

**IMPEACHMENT TRIAL COMMITTEE
ON THE ARTICLES AGAINST
JUDGE G. THOMAS PORTEOUS, JR.**

HEARINGS

BEFORE THE

**SENATE IMPEACHMENT TRIAL
COMMITTEE**

UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

ON

**THE ARTICLES OF IMPEACHMENT AGAINST JUDGE G. THOMAS
PORTEOUS, JR., A JUDGE IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

November 16, 2010

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Volume 3 of 3, Part A
VI. POST-TRIAL FILINGS

Congress of the United States
Washington, DC 20515

September 28, 2010

Via Electronic Mail

The Honorable Claire McCaskill, Chair
The Honorable Orrin G. Hatch, Vice Chair
Senate Impeachment Trial Committee
United States Senate
Russell Senate Office Building, Room B-34-A
Washington, DC 20002

Re: Impeachment of Judge Porteous -- Response to Inquiry of Senator Whitehouse

Dear Senator McCaskill and Senator Hatch:

This letter is being submitted to the Senate Impeachment Trial Committee (SITC) in response to Senator Whitehouse's inquiry made during the SITC's evidentiary hearing as to the nature of the investigation conducted by the House subsequent to the Fifth Circuit disciplinary proceedings.

The Fifth Circuit proceedings focused on the conduct that was eventually the subject of Article I (curatorships and the Liljeberg case) and Article III (bankruptcy). The attorneys who handled the disciplinary hearing on behalf of the Fifth Circuit did a limited independent investigation. In essence, they took certain allegations from the Department of Justice's (DOJ) complaint letter and presented evidence received from DOJ supporting those allegations to the Fifth Circuit Committee.

The House commenced its investigation in May 2009. From that point forward, the House undertook the following investigative steps that materially increased and enhanced the relevant evidence.

Article I

The evidence presented to the Fifth Circuit Committee did not include the transcript of the recusal hearing in the Liljeberg case. To the best of our knowledge, the transcript also had not been obtained by the Department of Justice in its investigation. The House unearthed that critical piece of evidence during its investigation into the facts surrounding the handling of the Liljeberg case.

In the course of its investigation the House interviewed a secretary in Mr. Amato's office who had never been contacted previously. She provided a computerized list of curatorships that had been assigned to Mr. Creely. The House attorneys then requested and obtained from the 24th Judicial District Court the underlying curatorship records, and identified from the group nearly 200 curatorships assigned by Judge Porteous to Mr. Creely. These records permitted a far

more focused and informed estimate by both Mr. Creely and Mr. Amato of the amount of cash (\$10,000 each) they provided to Judge Porteous.

Finally, the House met and deposed Leonard Levenson (Mr. Amato's co-counsel in the Liljeberg case) to establish that he traveled with Judge Porteous and paid for expensive meals for the Judge while the Liljeberg case was pending. The House also deposed Donald Gardner (whom Lifemark hired "to level the playing field" after Lifemark's recusal motion was denied) to establish in detail the meals, cash and other things of value Mr. Gardner provided to Judge Porteous.

Article II

The relationship between the Marcotte bail bonding business and Judge Porteous was not addressed in the Fifth Circuit proceedings. The House investigation uncovered the facts about that relationship during the course of its investigation into other allegations of misconduct. The House interviewed, among others, Louis Marcotte, Lori Marcotte, Aubry Wallace, Jeff Duhon, Rafael Goyeneche of the Metropolitan Crime Commission (MCC), Ronald Bodenheimer, Rhonda Danos, Darcy Griffin, Bruce Netterville, Mike Reynolds, Robert Rees, several state court judicial officers and numerous other individuals. None of these individuals, with the exception of Mr. Bodenheimer, had testified in the grand jury. The House obtained the relevant court records for Aubry Wallace and Jeff Duhon, reflecting Judge Porteous's actions to assist those individuals in setting aside or expunging their convictions. Finally, the House obtained the report of witnesses and other relevant documents from the files of the MCC.

Article III

Judge Porteous's bankruptcy proceedings and the documentary evidence related to those proceedings were explored in the Fifth Circuit. The House conducted an independent analysis of the record and addressed with Mr. Lightfoot certain defenses raised by Judge Porteous at the Fifth Circuit (for example, Judge Porteous's assertion that Mr. Lightfoot had affirmatively approved Judge Porteous's non-disclosure of his pending tax refund, when Mr. Lightfoot would testify otherwise). Further, the House had the Chief Judge of the United States Bankruptcy Court in Maryland, Judge Duncan Keir, review the record and testify as to its significance. Judge Keir also testified before the SITC.

Article IV

The allegations concerning false statements to the Senate contained in Article IV were not investigated by the Fifth Circuit. The House obtained the FBI background check and the relevant questionnaires from the DOJ and from the Senate Judiciary Committee. The House also obtained relevant testimony from Mr. Marcotte and Mr. Creely in which they admitted making false statements on Judge Porteous's behalf when interviewed by the FBI. The House further developed the evidence concerning Judge Porteous's delay of the Wallace set-aside until after Senate confirmation. The House located and interviewed two retired FBI agents who interviewed Judge Porteous during the background check, ultimately opting to call former Agent Hamil (who handled both interviews of Judge Porteous) before the SITC.

Other Investigation By The House

The House developed evidence of activities by Judge Porteous that was not the subject of the Articles, though these incidents were included in the House Judiciary Committee's Report. This includes Judge Porteous's receipt of hunting trips in the 2000-2005 time-frame from attorneys and parties with matters pending before him, and his failure to report those trips on his Financial Disclosure Forms.

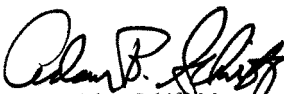
In addition, the House independently reviewed the allegations that were the subject of the Fifth Circuit proceeding by re-interviewing and in some cases deposing essential witnesses (e.g. Messrs. Amato, Creely, Mole, Lightfoot, and Gardner) to explore specific areas of their testimony.

Finally, the House engaged a trio of distinguished legal scholars to testify as a panel, review the evidence, and offer their opinions on various issues. These were Professor Akhil Amar of Yale Law School, Professor Michael Gerhardt of the University of North Carolina Law School (Chapel Hill) and Professor Charles Geyh of the Indiana University School of Law.

The investigative steps discussed in this letter and in the House Judiciary Committee's Report generally comprise the areas of investigation that added to the evidence before the Fifth Circuit. With the evidence that they possessed, a strong majority of the Fifth Circuit concluded that the case should be referred for possible impeachment. We believe that the additional information uncovered in the investigation by the House makes the case for impeachment even stronger.

We hope this letter is responsive to Senator Whitehouse's request.

Sincerely,


Adam Schiff, Manager


Bob Goodlatte, Manager

**In The Senate of The United States
Sitting as a Court of Impeachment**

In re:)
Impeachment of G. Thomas Porteous, Jr.,)
United States District Judge for the)
Eastern District of Louisiana)
)

JUDGE G. THOMAS PORTEOUS, JR.'S PROPOSED FINDINGS OF FACT

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United States District Court Judge
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Dated: October 1, 2010

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NOW BEFORE THE SENATE, comes Respondent, the Honorable G. Thomas Porteous, Jr., a Judge of the United States District Court for the Eastern District of Louisiana, and respectfully submits the following Proposed Findings of Fact, which have been established through testimonial evidence, documentary evidence, and/or stipulation of the parties.

BURDEN OF PROOF

Before proposing specific findings of fact, it is critical to note that the House, in its role as prosecutor before the Senate, bears the entire burden of proof. As such, the Senate may not simply weigh the evidence presented by the House and that presented by the Defense to resolve disputed facts. To the contrary, the House must prove, first, that the specific conduct alleged in the Articles of Impeachment actually occurred. This first obligation is especially important in this case where, unlike every other modern impeachment, there was no prior indictment, let alone a trial, and thus no prior adjudicated record. Second, the House must prove that the conduct that did in fact occur meets the Constitutional standard of “Treason, Bribery, or other high Crimes and Misdemeanors.” U.S. CONST. art. II, § 4. No other misconduct may result in removal. Since the House cannot and has not carried this heavy burden, the Senate is obligated to reject the Articles of Impeachment and acquit Judge Porteous.

Indeed, as shown below, Judge Porteous established at the evidentiary hearings that a number of the House’s allegations are simply untrue. Judge Porteous further proved that much of the conduct relied upon by the House in seeking his removal from office is neither criminal nor in any way improper. Each of these showings fatally undermines the House’s case and exposes its failure to carry its extensive and exclusive burden of proof.¹

¹ While the appropriate standard of proof in impeachments may be left to “the conscience of each Senator,” that standard ought to be both strict and exacting. See CRS Rpt. 98-990, at 5-6, *Standard of Proof in Senate Impeachment Proceedings* (internal quotations omitted). Judge

PROPOSED FINDINGS OF FACT²

A. Judge G. Thomas Porteous, Jr.

1. Judge Porteous was born on December 15, 1946, and is currently 63 years old.

Stipulation 1.

2. Judge Porteous has four children, Michael, Timothy, Thomas, and Catherine, whom he raised with his late wife Carmella. Senate Vol. III at 1225:20-25 (Timothy Porteous); Stipulation 2-3.

3. Both Judge Porteous and his wife Carmella enjoyed gambling as a form of recreation. Senate Vol. III at 1226:7-25 (Timothy Porteous).

Porteous asserts, therefore, that the appropriate standard of proof to be applied in this case is proof beyond a reasonable doubt. Anything less would fundamentally undermine the independence of the federal judiciary and inappropriately make it easier to impeach and remove a federal judge via impeachment than to indict and convict that same judge in a criminal proceeding.

² This filing utilizes the following citation system:

Testimony from the Senate Impeachment Trial Committee's (the "Committee") evidentiary hearings held on September 13 (Vol. I), 14 (Vol. II), 15 (Vol. III), 16 (Vol. IV), and 21 (Vol. V), 2010, will be cited as "Senate Vol. [no.] at [page no.] (witness)."

Testimony from the Senate Depositions held on August 2, 2010, will be cited as "[Witness] Senate Dep. at [page no]."

Testimony from the Fifth Circuit Special Investigatory Committee hearings on October 29 and 30, 2007, will be cited as "Fifth Circuit at [page no.] (witness)."

Exhibits offered by Judge Porteous and accepted into the Senate record will be cited as "Porteous Ex. [no.]."

Exhibits offered by the House Managers and accepted into the Senate record will be cited as "House Ex. [no.]."

Stipulations of fact agreed to between Judge Porteous and the House (and filed with the Committee on September 8, 2010) will be cited as "Stipulation [no.]."

4. Judge Porteous's wife Carmella passed away on December 22, 2005, as a result of a heart attack. Senate Vol. III at 1225:1-3, 1227:8-23 (Timothy Porteous); Stipulation 17.

5. Just four months before his wife Carmella's passing, Judge Porteous's house was destroyed in connection with Hurricane Katrina. Senate Vol. III at 1228:2-10, 1228:21 – 1229:21 (Timothy Porteous).

6. Following the destruction of his house by Hurricane Katrina and the death of his wife Carmella, Judge Porteous became extremely depressed and isolated. Senate Vol. III at 1235:2-24 (Timothy Porteous).

7. Some months after his wife died, Judge Porteous told his children that he had quit drinking alcohol; he had previously stopped gambling. Senate Vol. III at 1236:6 – 1237:3 (Timothy Porteous).

8. Judge Porteous sought treatment for his depression in early 2006. Senate Vol. III at 1236:2-5 (Timothy Porteous).

9. Despite his treatment, Judge Porteous felt unable to perform the duties of his judicial office, and in May of 2006 – just six months after the passing of his wife and ten months after his home was destroyed by Hurricane Katrina – Judge Porteous filed a petition for a certificate of disability from the Honorable Edith B. Jones, Chief Judge of the Fifth Circuit Court of Appeals, asserting that he suffered from serious mental depression. House Ex. 5 (Fifth Circuit Special Investigatory Committee Report, at 5).

10. Chief Judge Jones denied Judge Porteous's petition for a certificate of disability finding insufficient medical documentation of a permanent mental disability. House Ex. 5 (Fifth Circuit Special Investigatory Committee Report, at 5).

11. For several years, Judge Porteous was the subject of an investigation by the Federal Bureau of Investigation and a grand jury empanelled in the Eastern District of Louisiana. Stipulation 19.

12. In connection with that investigation, Judge Porteous signed a series of tolling agreements with the Justice Department which waived his right to assert a statute of limitations defense in connection with various potential federal criminal charges. Porteous Ex. 1003, 1004, & 1005.

13. Nevertheless, after several years of investigation, the Justice Department “determined that it [would] not seek criminal charges against Judge Porteous.” Stipulation 19.

14. The Justice Department did submit, however, a formal complaint of misconduct concerning Judge Porteous to Fifth Circuit Chief Judge Jones. Stipulation 21; House Ex. 4.

15. Chief Judge Jones thereafter filed a “Complaint of Judicial Misconduct” against Judge Porteous and convened a Special Investigatory Committee to investigate. Stipulation 25-26.

16. Judge Porteous was initially represented in the Fifth Circuit Special Investigatory Committee proceedings by attorney Kyle Schonekas, until Mr. Schonekas withdrew from that representation on or before July 5, 2007. Stipulation 27-28.

17. Following Mr. Schonekas’s withdrawal, beginning on or before August 2, 2007, attorney Michael H. Ellis represented Judge Porteous in the Fifth Circuit Special Investigatory Committee proceedings. Stipulation 29.

18. Just two weeks prior to the start of the Fifth Circuit Special Investigatory Committee hearings, Mr. Ellis withdrew from his representation of Judge Porteous. Stipulation 30-31.

19. Notwithstanding this last minute withdrawal and Judge Porteous's request for a continuance, the Fifth Circuit Special Investigatory Committee held its hearing on October 29 and 30, 2007, at which Judge Porteous was forced to represent himself without the assistance of counsel. Stipulation 31.

20. At the Fifth Circuit Special Investigatory Committee hearings, Judge Porteous was presented for the first time with an immunity order – which had been signed by Chief Judge Jones on October 5, 2007, but not made available to Judge Porteous until the first hearing day on October 29, 2007 – that compelled his testimony. Stipulation 32.

21. Since he had not had any opportunity to review the immunity order, Judge Porteous requested a continuance, which Chief Judge Jones denied, stating: “immunity is better than non immunity, sir. Continuance denied. You may take the stand.” Stipulation 33.

22. Following the Fifth Circuit Special Investigatory Committee hearings – at which Judge Porteous was forced to represent himself and testify pursuant to an immunity order that he received only moments before being compelled to take the stand – the Fifth Circuit Judicial Council issued a report adverse to Judge Porteous. Stipulation 36.

23. Fifth Circuit Judge Dennis and three other federal judges disagreed with the Fifth Circuit Judicial Council's majority report and filed a 49-page concurring and dissenting opinion specifically disagreeing “with the council majority's conclusion that the evidence demonstrates a possible ground for [Judge Porteous's] impeachment and removal from office.” Stipulation 36.

24. Judge Porteous has already been severely disciplined for his actions and the resulting appearance of impropriety, having been suspended and removed from the bench by the Fifth Circuit Judicial Conference for more than two years. Stipulation 38.

B. Article I

Article I Allegations

25. Article I alleges that Judge Porteous “deprived the parties [in the case of Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises] and the public of the right to the honest services of his office” by “den[ying] a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship with the law firm of Amato & Creely, P.C. which had entered the case to represent Liljeberg.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

26. Article I further alleges that, in denying the motion to recuse, “Judge Porteous failed to disclose that beginning in or about the late 1980s while he was a State court judge in the 24th Judicial District Court in the State of Louisiana, he engaged in a corrupt scheme with attorneys, Jacob Amato, Jr., and Robert Creely, whereby Judge Porteous appointed Amato’s law partner as a ‘curator’ in hundreds of cases and thereafter requested and accepted from Amato & Creely a portion of the curatorship fees which had been paid to the firm.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

27. Article I alleges that “the fees received by Amato & Creely [during the period of the alleged scheme] amounted to approximately \$40,000, and the amounts paid by Amato & Creely to Judge Porteous amounted to approximately \$20,000.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

28. Article I also alleges that Judge Porteous “made intentionally misleading statements at the recusal hearing intended to minimize the extent of his personal relationship with [Messrs. Amato and Creely]” and, in so doing, “deprived the Fifth Circuit Court of Appeals of critical information for its review of a petition for a writ of mandamus, which sought to overrule Judge Porteous’s denial of the recusal motion.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

29. Finally, Article I alleges that Judge Porteous “engaged in corrupt conduct after the *Lifemark v. Liljeberg* bench trial, and while he had the case under advisement, in that he solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash” and, “[t]hereafter, and without disclosing his corrupt relationship with the attorneys of Amato & Creely PLC or his receipt from them of cash and other things of value, Judge Porteous ruled in favor of their client, *Liljeberg*.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

30. Article I asserts that Judge Porteous “should be removed from office” because he is “guilty of high crimes and misdemeanors.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

31. Article I does not allege that Judge Porteous should be removed from office for treason. 111 Cong. Rec. S1645 (Mar. 17, 2010).

32. Article I does not allege that Judge Porteous should be removed from office for bribery. 111 Cong. Rec. S1645 (Mar. 17, 2010).

33. Article I does not allege that Judge Porteous committed bribery or solicited or received any bribe. 111 Cong. Rec. S1645 (Mar. 17, 2010).

34. Article I does not allege that Judge Porteous engaged or participated in any illegal *quid pro quo* in connection with the *Lifemark v. Liljeberg* case.

35. Article I does not allege that Judge Porteous engaged in any kickback scheme. 111 Cong. Rec. S1645 (Mar. 17, 2010).

36. Article I’s “honest services” allegation is based on 18 U.S.C. § 1346. 111 Cong. Rec. S1645 (Mar. 17, 2010).

The Supreme Court’s Recent Decision Concerning “Honest Services” Fraud

37. The U.S. Supreme Court decided the case of *Skilling v. United States*, No. 08-1394, 130 S. Ct. 2896, 2010 WL 2518587, on June 24, 2010.

38. In *Skilling v. United States*, the U.S. Supreme Court ruled that, in order to meet constitutional scrutiny, 18 U.S.C. § 1346 must be narrowly construed.

39. In *Skilling v. United States*, the U.S. Supreme Court further ruled that any claim of criminal honest services fraud is unconstitutional if it goes beyond “fraudulent schemes to deprive another of honest services through bribes or kickbacks.” 2010 WL 2518587, at *12 (emphasis added).

40. In *Skilling v. United States*, the U.S. Supreme Court specifically rejected the notion that “undisclosed self-dealing” and the “non-disclosure of conflicting financial interest,” such as “the taking of official action by [a public official] that furthers his own undisclosed financial interests while purporting to act in the interests of those to whom he owes a fiduciary duty,” can constitute a criminal deprivation of “honest services.” 2010 WL 2518587, at *28.

Judge Porteous, Bob Creely, and Jake Amato Were Very Close Friends

41. Judge Porteous and Jacob (Jake) Amato met one another for the first time in the early 1970s, when they were both working as Assistant District Attorneys in the Jefferson Parish District Attorney’s Office. Senate Vol. I at 117:8-16, 151:17-22 (Amato); Stipulation 48 & 50. Mr. Amato had been assigned to train Judge Porteous. Senate Vol. I at 117:8-16 (Amato); Stipulation 51.

42. In 1973, Judge Porteous, Jake Amato, and Marion Edwards opened a law practice together, which was named Edwards, Porteous, and Amato. Senate Vol. I at 117:3-7, 117:20 – 118:2, 118:7-20 (Amato); Stipulation 9 & 52.

43. Pursuant to state rules that allowed Assistant District Attorneys to maintain a private practice, Judge Porteous continued to serve as an Assistant District Attorney while he was a partner of Edwards, Porteous, and Amato. Stipulation 8 & 53.

44. Jake Amato considered Judge Porteous to be one of his best friends, and Mr. Amato considered himself one of Judge Porteous's best friends. Senate Vol. I at 164:13-14 (Amato); Senate Vol. III at 869:9-11 (Danos); Stipulation 48-49.

45. When Judge Porteous and Jake Amato were both Assistant District Attorneys, they went to lunch together frequently. Senate Vol. I at 151:25 – 152:3 (Amato); Stipulation 68. Judge Porteous and Jake Amato continued to have lunch together regularly until the early 2000s. Amato Senate Dep. at 12:16 – 13:9.

46. Jake Amato knew all of Judge Porteous's children. Senate Vol. I at 179:24 (Amato).

47. Judge Porteous's children referred to Jake Amato as "Uncle Jake." Senate Vol. I at 179:25 – 180:2 (Amato); Senate Vol. III at 1238:4-20, 1245:9-20, 1247:15-17 (Timothy Porteous); Stipulation 55.

48. Judge Porteous's son Timothy would kiss Jake Amato on the cheek when he saw him as a sign of affection. Senate Vol. I at 179:25 – 180:2 (Amato).

49. Robert (Bob) Creely first met Judge Porteous in 1973 or 1974 when Mr. Creely started working as a law clerk at Edwards, Porteous, and Amato. Senate Vol. I at 248:6-14 (Creely); Stipulation 10.

50. In approximately 1975, Jake Amato and Bob Creely left the law firm where Mr. Amato, Mr. Creely, and Judge Porteous were practicing law and opened a new law firm named Amato & Creely. Senate Vol. I at 118:3-16 (Amato); Senate Vol. I at 249:2-15 (Creely);

Stipulation 41. Mr. Amato and Mr. Creely practiced law together until 2005. Stipulation 41 & 54.

51. Judge Porteous and Bob Creely were long-time friends. Senate Vol. I at 250:12 – 251:3, 296:24 – 297:5, 297:10-13 (Creely); Senate Vol. III at 869:9-11 (Danos); Stipulation 42-44.

52. Bob Creely knew all of Judge Porteous’s children. Senate Vol. I at 330:13-15 (Creely).

53. Judge Porteous’s children referred to Bob Creely as “Uncle Bob.” Senate Vol. I at 330:16-20 (Creely); Senate Vol. III at 1238:4-20, 1245:9-20, 1247:15-17 (Timothy Porteous); Stipulation 45.

54. Bob Creely, Jake Amato and one of his sons, and Judge Porteous and his sons would frequently fish together. Senate Vol. III at 1245:22-25, 1238:4-24 (Timothy Porteous). During these excursions, Bob Creely taught Judge Porteous’s son Timothy how to fish and Jake Amato taught Timothy Porteous how to cook. Senate Vol. III at 1238:17-20 (Timothy Porteous).

Small Legal Community in Gretna, Louisiana

55. The legal community in Gretna, Louisiana consists of a small group of lawyers and judges, many of whom went to high school, college, and/or law school together, and many of whom know and interact with one another socially. Senate Vol. I at 157:7 – 158:4 (Amato); Senate Vol. IV at 1570:4-10 (Gardner); Senate Vol. V at 1783:9-13 (Mamoulides).

56. Lawyers practicing in Gretna, Louisiana regularly appear before judges who are former classmates and/or friends or acquaintances with whom they interact socially. Senate Vol. I at 158:5-7 (Amato).

57. Jake Amato was friends with all of the judges in Gretna. Senate Vol. I at 161:19-23, 164:24 – 165:1 (Amato).

58. Bob Creely was friends with many of the judges in Gretna. Senate Vol. I at 300:17-22 (Creely).

59. Jake Amato has given gifts, including wedding presents and Christmas gifts, to many state court judges over the years. Senate Vol. I at 177:22 – 178:2 (Amato).

60. One judge that Jake Amato was friends with, went to high school with, bought lunches for, and gave campaign contributions to, was George Giacobbe. Senate Vol. I at 165:23 – 166:11, 168:3-9 (Amato). Judge Giacobbe appointed Mr. Amato to sit for him on the bench *ad hoc* and handle his judicial docket approximately two to three times per year. Senate Vol. I at 166:11-23 (Amato). Mr. Amato is not aware of anyone ever suggesting that there was anything untoward about Mr. Amato's relationship with Judge Giacobbe, or Judge Giacobbe's decision to repeatedly appoint Mr. Amato to sit for him on the bench *ad hoc*. Senate Vol. I at 168:14 – 169:1 (Amato).

61. In addition to Jake Amato and Bob Creely, Judge Porteous was also close friends with a number of other attorneys who practiced in and around Gretna, Louisiana, including Don Gardner and Leonard (Lenny) Levenson. Senate Vol. III at 1238:25 – 1240:4 (Timothy Porteous); Senate Vol. IV at 1554:17 – 1555:11, 1574:24 – 1575:22 (Gardner); Stipulation 100 & 137.

Judge Porteous Was Elected to the State Bench in 1984

62. Judge Porteous was elected to be a state court judge in the 24th Judicial District Court in Gretna, Louisiana in 1984. Senate Vol. I at 118:21-23 (Amato); Senate Vol. I at 250:5-7 (Creely); Stipulation 6 & 11.

63. Rhonda Danos was Judge Porteous's legal secretary for nearly 24 years, both while he was a state court judge and a federal district court judge. Senate Vol. III at 868:10-12 (Danos).

64. Ms. Danos knows the Porteous family very well, and treats Judge Porteous's children like her own children. Senate Vol. III at 880:18-24 (Danos).

65. Judge Porteous served as a state court judge in the 24th Judicial District Court in Gretna, Louisiana for 10 years, from 1984 to 1994. Senate Vol. I at 119:3-5 (Amato); Stipulation 7.

66. During his time as a state court judge, Judge Porteous had friends who were lawyers appear before him regularly, nearly every day. Senate Vol. I at 200:8-11 (Amato).

67. It was routine for judges in Gretna to have friends of theirs who were lawyers appear before them. Senate Vol. I at 207:18-21 (Creely).

68. Despite the fact that lawyers frequently appeared before judges with whom they were friends and for whom they bought lunch, Jake Amato, who practiced law in Gretna for nearly 40 years, has never seen a single recusal motion either filed or granted in Gretna. Senate Vol. I at 158:11-20 (Amato).

Ethical Standards for Lawyers and Judges in Louisiana

69. In 1984, there was no rule that barred judges from having lunches purchased for them by attorneys. Senate Vol. IV at 1633:21-25 (Ciolino).

70. In 1984, the only rule relating to gifts to judges provided that a judge could not accept, and a lawyer could not give, a gift if it reasonably might appear to affect the judge's official conduct. Senate Vol. IV at 1640:3-15 (Ciolino).

71. Whether a gift reasonably might appear to affect a judge's official conduct was determined based on the totality of the circumstances surrounding the gift, a standard akin to the appearance of impropriety standard. Senate Vol. IV at 1640:16-22 (Ciolino).

72. The appearance of impropriety standard has been widely criticized as a meaningless standard because it essentially tells regulators overseeing judges that judges should not do something that appears bad, and what appears bad is anything that appears improper. Senate Vol. IV at 1641:16-22 (Ciolino). The appearance of impropriety language has been removed from most lawyer ethics codes, but it still appears in some judicial ethics codes, though there are rarely any judicial ethics enforcement actions under that appearance standard. Senate Vol. IV at 1641:23-1642:5 (Ciolino).

73. The appearance of an impropriety or the appearance that a gift is reasonably calculated to affect official conduct will be judged differently in different communities and by different people. Senate Vol. IV at 1643:1-14 (Ciolino).

74. The Louisiana ethics rules do not delineate between types of gifts, and there is no difference between a lawyer buying a judge a lunch, a flower basket, a bottle of bourbon, or an oil change. Senate Vol. IV at 1653:19-25 (Ciolino).

75. The Louisiana judicial ethics rules do not distinguish between gifts to judges from lawyers and from non-lawyers. Senate Vol. IV at 1661:1-6 (Ciolino).

76. Since the January 1, 2009 amendments to the Louisiana Code of Judicial Conduct became effective, judges may not accept gifts from an individual, and lawyers and other people may not give gifts to judges, if that individual is likely to appear before the judge as a lawyer, unless the gift fits into a specifically enumerated exemption. Senate Vol. IV at 1639:7-10 (Ciolino).

77. Revised Louisiana Code of Judicial Conduct Canon 6(b)(3)(c) provides that judges may accept “[o]rdinary social hospitality provided the total value of food, drink, or refreshment given to a judge at a single event shall not exceed \$50.” Senate Vol. IV at 1638:12-23 (Ciolino).

78. While the revised Louisiana Code of Judicial Conduct bars judges from accepting more than \$50 in social hospitality at any one meal or event, there is no limit on the number of meals that a judge may accept in a single day or week. Senate Vol. IV at 1652:1-11 (Ciolino).

79. Professor Ciolino, an expert on Louisiana ethics, testified that he is not aware of any judge or lawyer ever being disciplined under the Louisiana ethics rules in effect prior to 2009 for accepting social hospitality. Senate Vol. IV at 1653:3-7 (Ciolino).

Judge Porteous, Bob Creely, Jake Amato, and Don Gardner Went to Lunch Together Regularly

80. While Judge Porteous was a state court judge, he, Bob Creely, and Jake Amato continued to be friends and continued to go to lunch together regularly. Senate Vol. I at 119:6-12, 119:15-17, 152:4-10 (Amato); Senate Vol. I at 250:8-16, 251:10-11, 251:15-17 (Creely); Stipulation 60 & 69-70.

81. Jake Amato does not know how many total times he and Judge Porteous went to lunch together. Senate Vol. I at 120:6-13 (Amato).

82. Jake Amato does not know the average cost of the meals that he had with Judge Porteous. Senate Vol. I at 121:18-23 (Amato). Mr. Amato does believe, however, that most of the lunches he had with Judge Porteous cost less than \$50. Senate Vol. I at 15:15-17 (Amato).

83. When Jake Amato and Judge Porteous went to lunch, Judge Porteous occasionally paid for lunch. Senate Vol. I at 122:10-18, 155:21 – 156:3 (Amato); Stipulation 77. Mr. Amato

does not have a clear recollection of how many lunches Judge Porteous paid for. Senate Vol. I at 156:6-14 (Amato).

84. Jake Amato did not buy Judge Porteous lunches in order to bribe him. Senate Vol. I at 162:2-5 (Amato).

85. Jake Amato did not buy Judge Porteous lunches in order to influence him. Senate Vol. I at 162:6-8 (Amato). In fact, having worked with Judge Porteous and having tried cases with him, against him, and before him, Mr. Amato did not think that he could influence Judge Porteous. Senate Vol. I at 162:8-13 (Amato).

86. Jake Amato “always felt he [Judge Porteous] was always going to do the right thing”; a view Mr. Amato still holds today. Senate Vol. I at 162:8-15 (Amato).

87. Jake Amato always thought Judge Porteous did the right thing on the bench irrespective of Mr. Amato having taken him to lunch. Stipulation 78.

88. Jake Amato did not feel that his buying lunch for Judge Porteous would affect Judge Porteous’s actions on the bench. Stipulation 77; Amato Senate Dep. at 20:4-18.

89. Between 1984 and 1994, while Judge Porteous was on the state bench, Bob Creely guesstimates that he and Judge Porteous had lunch together approximately twice a month. Senate Vol. I at 251:21 – 252:12, 253:23 – 254:4 (Creely).

90. Bob Creely does not know how many total lunches he has had with Judge Porteous. Senate Vol. I at 252:21 – 253:5, 253:23 – 254:4 (Creely).

91. When Bob Creely and Judge Porteous went to lunch, either Mr. Creely or someone else who attended the lunch paid the bill. Senate Vol. I at 254:5-9 (Creely).

92. Don Gardner and Judge Porteous went to lunch together regularly throughout their long-running friendship, including when Judge Porteous was a lawyer and a state court

judge. Senate Vol. IV at 1571:2-24, 1594:18-23 (Gardner). Judge Porteous paid for his fair share of those lunches. Senate Vol. IV at 1571:25 – 1572:4 (Gardner). In fact, each year Judge Porteous and a group of 8 to 10 lawyers from Gretna would attend a CLE and Judge Porteous would buy lunch or dinner for the group. Senate Vol. IV at 1572:4-9 (Gardner). Don Gardner and Judge Porteous and their respective families would also occasionally buy gifts for each other. Senate Vol. IV at 1572:10 – 573:2 (Gardner). Don Gardner and Judge Porteous saw each other less frequently after Judge Porteous became a federal judge. Senate Vol. IV at 1573:18 – 1574:19 (Gardner).

Lawyers and Judges in the 24th Judicial District Court Regularly Went to Lunch Together

93. Prior to the recent revision of the Louisiana ethics codes, it was very common for lawyers and judges to go to lunches, hunting trips, and fishing trips together without the judges paying. Senate Vol. IV at 1645:8-14 (Ciolino). Such hunting and fishing trips were not considered improper. Senate Vol. IV at 1646:8-12 (Ciolino). It was also common for lawyers and law firms to deliver hams, whiskey, wine, and other gifts to judges during the holidays. Senate Vol. IV at 1644:1-9 (Ciolino).

94. Between 1984 and 1994, many state court judges in the 24th Judicial District Court went to lunch with attorneys practicing in and around Gretna, Louisiana. Senate Vol. I at 152:11 – 153:12 (Amato); Senate Vol. I at 304:13-15 (Creely); Senate Vol. IV at 1570:11-23 (Gardner); Stipulation 62.

95. Historically, judges in Louisiana did not pay for lunch when they went to lunch with lawyers. Senate Vol. IV at 1685:20-21 (Ciolino); Senate Vol. I at 304:16-18, 305:5-11 (Creely).

96. In the 1980s and 1990s, a restaurant near the 24th Judicial District Courthouse named the Courthouse Cafe and/or Whitesides had a table reserved for lawyers and judges to sit at and eat lunch together. Senate Vol. I at 153:13-24 (Amato); Senate Vol. IV at 1570:11 – 1571:1 (Gardner). There was no attempt to hide the table reserved for lawyers and judges; instead it was the first table inside the front door. Senate Vol. I at 153:25 – 154:6 (Amato).

97. Lunch at the Courthouse Cafe cost between \$4 and \$6 dollars a plate. Senate Vol. I at 155:18-20 (Amato).

98. Both Jake Amato and Bob Creely were friends with, and went to lunch together with, many state court judges in addition to Judge Porteous. Senate Vol. I at 154:4-23 (Amato); Creely Senate Dep. at 14:16-25; Stipulation 56-59, 61, & 71.

99. Jake Amato believed it was customary for lawyers in Gretna, Louisiana to go to lunch with one another and with 24th Judicial District Court judges. Senate Vol. I at 152:11 – 153:12 (Amato); Stipulation 72-73. Jake Amato does not believe that it was ever unethical for him to have lunch with any judge. Senate Vol. I at 154:24 – 155:2 (Amato). Jake Amato did not see anything wrong with buying lunch for judges. Stipulation 74-75; Amato Senate Dep. at 15:25 - 16:3.

100. Neither Jake Amato nor Bob Creely is aware of any prohibition against lawyers buying judges lunch. Senate Vol. I at 157:3-6 (Amato); Senate Vol. I at 305:12-16 (Creely). The only rule that Jake Amato is aware of concerning lawyers buying lunches is a rule that was enacted about a year ago limiting to \$50 the amount that a lawyer can spend on a meal for a public official. Senate Vol. I at 155:3-14 (Amato).

101. Bob Creely went out to lunches, dinners, and/or drinks with most of the state court judges in Gretna. Senate Vol. I at 303:1-8 (Creely). That type of socializing was very common. Senate Vol. I at 303:12-13 (Creely).

102. When Bob Creely went to lunch with state court judges in the 1980s and 1990s, unless a campaign committee sponsored the lunch, either he or the individual who invited him paid for the meal. Stipulation 63; Creely Senate Dep. at 16:18-21.

103. Bob Creely can recall only one state court judge who ever bought him a meal, and that single judge only paid for only one such meal. Senate Vol. I at 304:19 – 305:2 (Creely); Stipulation 65; Creely Senate Dep. at 16:22 – 17:1.

104. Bob Creely paid for lunches that he attended with judges out of friendship with those judges. Stipulation 64. Bob Creely never expected to receive any advantage from the judges that he took to lunch. Stipulation 67.

105. Bob Creely did not draw a connection between lunches that he went to with judges and favors from those judges. Senate Vol. I at 308:19-20 (Creely).

106. Bob Creely did not believe that there was anything improper about appearing in court before judges who he considered to be his friends. Creely Senate Dep. at 30:9-12.

Judge Porteous, Bob Creely, and Jake Amato Went Hunting and Fishing Together Regularly

107. During their 30-year friendship, Jake Amato, Bob Creely, and Judge Porteous went on hunting and fishing trips together. Senate Vol. I at 122:19-24, 123:6-10 (Amato); Senate Vol. I at 254:10-16 (Creely). It was common for lawyers and judges to go on such hunting and fishing trips together. Senate Vol. I at 159:8-10, 159:21-23 (Amato). When they went hunting and fishing, Judge Porteous would bring various things, including food and drinks. Senate Vol. I at 122:21 – 123:1, 155:24 – 156:5, 161:1-4 (Amato). Judge Porteous would also

help prepare meals and clean up after meals. Senate Vol. I at 161:5-18 (Amato). When Jake Amato and Bob Creely invited Judge Porteous to go hunting and fishing with them, they generally paid for the expenses associated with that trip. Senate Vol. I at 123:11-13 (Amato).

108. At some point while he was a state court judge, Judge Porteous went on a small number (three or less) of hunting trips in Mexico with Bob Creely and/or Jake Amato. Senate Vol. I at 255:12-22 (Creely); Senate Vol. I at 123:14 – 124:1 (Amato). Mr. Amato does not know who paid for Judge Porteous's trip, or if there was any cost associated with his going on the trip. Senate Vol. I at 123:14 – 124:5, 160:5-7 (Amato). Mr. Creely recalls that on these trips, if the group had 10 or more people (which Mr. Creely recalls that they did), then one person's trip was free, and Judge Porteous may have received that free trip. Senate Vol. I at 256:16 – 257:5, 328:7-20 (Creely).

109. When Bob Creely invited people, including lawyers and judges, onto his boat to go fishing, he always paid for all the expenses. Senate Vol. I at 327:22 – 328:6 (Creely); Stipulation 79. Bob Creely did not see anything wrong with taking judges on hunting or fishing trips. Stipulation 80.

Bob Creely and Jake Amato Appeared In Court Before Judge Porteous Infrequently

110. Bob Creely only recalls appearing in court before Judge Porteous three times. Senate Vol. I at 311:10-15 (Creely); Stipulation 82; House Ex. 69(b) (Creely 302, at PORT000000476). Two of those appearances occurred while Judge Porteous was on the state bench, one occurred while Judge Porteous was on the federal bench. Stipulation 82. Mr. Creely had "very, very, very limited business in front of [Judge Porteous]." Senate Vol. I at 297:23-25 (Creely); Creely Senate Dep. at 32:17-19.

111. Bob Creely does not feel that he ever received any special treatment or favoritism when he appeared in court before Judge Porteous. Senate Vol. I at 318:5-9 (Creely); Stipulation 84. Judge Porteous rules on the basis of the law, not his friendship with Mr. Creely. Senate Vol. I at 318:10-12 (Creely).

112. Judge Porteous ruled against Bob Creely in one case involving a post-trial motion to test the solvency of a surety following a jury trial in a construction dispute, in which the jury awarded Mr. Creely's client a \$400,000 verdict. Senate Vol. I at 313:18 – 316:1 (Creely). The surety ultimately went into bankruptcy and Mr. Creely was unable to collect on the verdict. Senate Vol. I at 315:8-11 (Creely).

113. Judge Porteous also ruled against Bob Creely in connection with a temporary restraining order in federal court, which cost Mr. Creely's client about \$1 million. Senate Vol. I at 320:23 – 321:1 (Creely).

114. Jake Amato did not appear in court before Judge Porteous very often. Senate Vol. I at 131:3-4 (Amato). Indeed, at his Senate Deposition, Mr. Amato could recall only one specific state court case where he appeared before Judge Porteous. Amato Senate Dep. at 19:19 – 20:3; Stipulation 88. Mr. Amato lost that case. Amato Senate Dep. at 19:19 – 20:3; Stipulation 88.

115. Jake Amato thought that Judge Porteous ruled on judicial matters fairly. Stipulation 89.

116. As a judge, Judge Porteous had a reputation for giving smaller plaintiffs a fair shake in his courtroom. Senate Vol. I at 204:23 – 205:1 (Amato).

117. Jake Amato testified that Judge Porteous tended to be a judge who moved his docket and resolved cases, and was one of the most capable people Mr. Amato has ever known. Senate Vol. I at 194:14-19 (Amato).

118. Jake Amato has never known Judge Porteous to throw a case for cash or friendship. Senate Vol. I at 206:13-16 (Amato).

While A State Judge, Judge Porteous Never Asked For Or Received Money From Jake Amato

119. While a state court judge, Judge Porteous never asked Jake Amato for money. Senate Vol. I at 151:3-11, 206:6-9, 232:10-13, 235:14-25 (Amato).

120. Judge Porteous never asked Jake Amato for any money or kickback in connection with curatorships. Senate Vol. I at 235:14-25 (Amato).

121. During the 10 years that Judge Porteous was a state court judge, Jake Amato never directly gave him any money. Senate Vol. I at 151:13-16 (Amato).

While A State Judge, Judge Porteous Received Small Gifts of Money From Bob Creely

122. At some point either before Judge Porteous was a state court judge or while he was a state court judge, Judge Porteous told Bob Creely that he needed a small amount of money (no more than \$50 to \$100) for daily living expenses and asked if Mr. Creely would give it to him. Senate Vol. I at 257:6-18, 258:2-4, 279:2-9 (Creely). Mr. Creely took that small amount of money out of his pocket and gave it to Judge Porteous. Senate Vol. I at 257:19-24 (Creely).

123. Bob Creely gave Judge Porteous money because he was his long-time friend. Senate Vol. I at 296:18-23 (Creely).

124. Bob Creely never gave any money to Judge Porteous as a bribe. Senate Vol. I at 299:4-8, 322:12-17 (Creely).

125. Bob Creely never gave any money to Judge Porteous that he thought was a kickback. Senate Vol. at 299:9-11 (Creely).

126. Judge Porteous testified before the Fifth Circuit Special investigator Committee that he never received a kickback from Amato & Creely in connection with curatorships. Fifth Circuit at 131:24-132:3 (Porteous).

127. Bob Creely never thought that he had a *quid pro quo* arrangement with Judge Porteous. Senate Vol. I at 299:12-17 (Creely).

128. Bob Creely never gave any money to Judge Porteous to influence him as a judge. Senate Vol. I at 299:22-24 (Creely); Creely Senate Dep. at 51:22-24.

129. Bob Creely did not see any problem at the time with giving gifts to his friends, including Judge Porteous. Senate Vol. I at 324:4-8 (Creely); Creely Senate Dep. at 51:3-13.

130. Bob Creely gave Judge Porteous money for a fairly long period of time before he received curatorships assignments from Judge Porteous. Senate Vol. I at 298:6-9 (Creely).

131. When Bob Creely gave Judge Porteous money, he gave him cash. Senate Vol. I at 261:19-22 (Creely).

132. Bob Creely did not give Judge Porteous cash because he wanted to conceal anything. Senate Vol. I at 323:17-21 (Creely). In fact, Mr. Creely has never denied or tried to hide his giving of gifts to Judge Porteous. Senate Vol. I at 323:22 – 324:3 (Creely).

133. As law partners, Bob Creely and Jake Amato had a habit of taking equal, weekly draws from their law firm partnership accounts, which would be the money that they would use for their own personal expenses. Senate Vol. I at 272:8 – 273:1 (Creely). On days that Mr. Creely took a draw, he would leave the office with as much as \$1,500 in cash. Senate Vol. I at 323:8-16 (Creely).

134. Bob Creely did not keep any records of the money that he gave to Judge Porteous. Stipulation 85; Senate Vol. I at 174:9-12 (Amato).

135. Bob Creely gave cash to people other than Judge Porteous, including once giving \$200 in cash to a homeless man. Senate Vol. I at 322:21-25 (Creely).

Don Gardner Similarly Gave Judge Porteous Small Gifts of Money

136. Judge Porteous would occasionally ask Don Gardner for small amounts of money. Senate Vol. IV at 1585:17-23, 1586:4-9 (Gardner). Don Gardner described Judge Porteous as a “bummer,” if he was out of cigarettes, he would “bum” one from a friend; if he did not have any cash in his wallet, he would “bum” some from a friend. Senate Vol. IV at 1586:13-15 (Gardner). Don Gardner gave Judge Porteous small amounts of money (\$20, \$40, maybe a \$100) because they were friends – “a friend giving money to another friend.” Senate Vol. IV at 1586:7-25 (Gardner). When Don Gardner gave Judge Porteous money, he did so willingly and with no expectation that Judge Porteous would do anything for him as a judge or that he was in any way buying Judge Porteous. Senate Vol. IV at 1586:16-25 (Gardner). Mr. Gardner does not see any problem with giving a friend money. Senate Vol. IV at 1618:8-10 (Gardner). Mr. Gardner estimates that he gave Judge Porteous a total of approximately \$100 per year. Senate Vol. IV at 1617:20-24 (Gardner).

Curatorships

137. A curatorship is an appointment by a Louisiana state court of a private attorney to represent the interests of an absent defendant. Stipulation 90; Senate Vol. I at 129:23 – 130:7 (Amato); Senate Vol. I at 260:6-11 (Creely); Senate Vol. IV at 1657:6-17 (Ciolino).

138. Curatorships are administrative tasks, which were usually handled by a secretary. Senate Vol. I at 130:8-15 (Amato).

139. Jake Amato received curatorship appointments from judges, including from judges that were his friends. Senate Vol. I at 165:2-6, 211:21-24 (Amato).

140. Bob Creely received curatorship appointments from Judge Porteous, as well as several other 24th Judicial District Court judges. Senate Vol. I at 293:16-18, 300:14-16 (Creely); Stipulation 99.

141. There was no rule against judges assigning curatorships to their friends; in fact, that was a standard practice in Gretna, Louisiana. Senate Vol. I at 165:7-12 (Amato); Senate Vol. I at 300:6-13 (Creely).

142. Throughout the 1980s and 1990s, it was common for Louisiana state judges to assign curatorships to friends, campaign contributors, and former law clerks. Senate Vol. IV at 1658:17-1659:10 (Ciolino).

143. Judges in Gretna would assign curatorships to their friends because they knew that those lawyers would do a good job and ensure that all aspects of the curatorship process were completed timely, something that did not always happen with certain lawyers. Senate Vol. at 167:5 – 168:2 (Amato).

144. Jake Amato is not aware of any complaints concerning the handling of curatorships that were assigned to either him or Bob Creely. Senate Vol. I at 169:6-16 (Amato).

145. The curatorships that Judge Porteous assigned to Bob Creely listed Mr. Creely specifically (not his firm) as the curator. Senate Vol. I at 169:2-5 (Amato).

146. Bob Creely testified that his secretary had told him that Judge Porteous had called her once and asked if Mr. Creely had received the curatorships that Judge Porteous had assigned to him. Senate Vol. I at 262:11-13 (Creely). Mr. Creely does not know why Judge Porteous made this phone call. Senate Vol. I at 262:19-20 (Creely). Mr. Creely became upset when he heard about this conversation because he did not make any connection between the curatorships

that Judge Porteous assigned to him and the money that he gave Judge Porteous. Senate Vol. I at 262:14-263:5 (Creely).

There Was Never Any Relationship Between Curatorships and Gifts

147. Bob Creely never had any agreement with Judge Porteous to exchange money for curatorships. Creely Senate Dep. at 48:18-19, 71:15-9; Senate Vol. I at 264:18-22, 296:14-17, 339:5-7, 344:12 (Creely).

148. Bob Creely never saw any link or relationship between gifts given to Judge Porteous and curatorships. Senate Vol. I at 324:16-19, 369:8 370:4, 372:22-23 (Creely); Creely Senate Dep. at 47:15 – 48:4, 73:6-10.

149. Had Judge Porteous not assigned any curatorships to Bob Creely, Mr. Creely would still have given Judge Porteous money. Creely Senate Dep. at 48:11-14.

150. Judge Porteous never asked Bob Creely for any portion or percentage of the money that Mr. Creely earned in connection with curatorships. Senate Vol. I at 296:8-13, 335:1-2 (Creely).

The Only Testimony of Any Relationship Between Curatorships and Gifts Comes From Amato

151. Jake Amato never discussed with Judge Porteous whether there was ever any relationship between curatorships assigned to Bob Creely and gifts given to Judge Porteous. Senate Vol. I at 124:10-21 (Amato).

152. Jake Amato's only knowledge concerning any relationship between curatorships assigned to Bob Creely and gifts given to Judge Porteous is based on one conversation that he thinks he had with Mr. Creely. Senate Vol. I at 124:13-16, 173:13-20 (Amato); Amato Senate Dep. at 88:12-23.

153. Jake Amato was never personally involved in any call with Judge Porteous concerning curatorship assignments and has no actual knowledge of what might or might not have been discussed during such a call. Senate Vol. I at 172:18 -173:5 (Amato).

154. Prior to the alleged conversation that Jake Amato thinks he had with Bob Creely, Mr. Amato did not know that Mr. Creely had given gifts to Judge Porteous. Senate Vol. I at 126:10-18 (Amato).

155. Jake Amato did not have anything to do with the “mechanics” of the alleged relationship between curatorships assigned to Bob Creely and gifts given to Judge Porteous. Senate Vol. I at 129:12-13 (Amato).

Bob Creely’s “Estimation”

156. Bob Creely estimates that he may have given a total of approximately \$10,000 to Judge Porteous during their decades long friendship (including, but not limited to, the 10 years that Judge Porteous was on the state bench), including money that was given both before and after Judge Porteous assigned curatorships to Mr. Creely. Senate Vol. I at 265:7-25, 271:18 – 272: 4, 298:10 – 299:3 (Creely).

157. Bob Creely never “calculated” the amount of money that he gave to Judge Porteous as about half of the value of the fees that he earned from curatorships. Senate Vol. I at 265:7-9, 335:16-25 (Creely).

158. Prior to meeting with the House Managers and House Impeachment Counsel, Bob Creely did not have a list of the curators that were assigned to him and did not know how many curatorships he had received. Senate Vol. I at 337:17-24, 338:5-9, 338:24-25 (Creely).

Jake Amato’s “Guesstimate”

159. Before this controversy arose, Jake Amato did not have a specific recollection of how many curatorships had been assigned to either him or Bob Creely. Senate Vol. I at 172:13-17, 175:21-24 (Amato).

160. Jake Amato also did not have a specific recollection of the amount of the fees that were paid to attorneys who handled curatorships. Senate Vol. I at 175:25 – 176:2 (Amato).

161. There are no records of how much money Jake Amato and/or Bob Creely may have given Judge Porteous over decades of their friendship. Senate Vol. I at 174:9-12 (Amato).

162. When he testified before the Fifth Circuit Special Investigatory Committee, Mr. Amato testified that he did not have a clear memory concerning how much money he or Bob Creely may have given Judge Porteous. Senate Vol. I at 174:13-17 (Amato).

163. Jake Amato still does not have a clear memory concerning how much money he or Bob Creely may have given Judge Porteous. Senate Vol. I at 174:18-22 (Amato).

164. Jake Amato cannot estimate how much money he or Bob Creely may have given Judge Porteous while Judge Porteous was on the state bench. Senate Vol. I at 131:16-22 (Amato). Instead, Mr. Amato can only guess (“not estimate but guesstimate”) at the total. Senate Vol. I at 131:16-22 (Amato).

165. Jake Amato believes that FBI Agent DeWayne Horner came up with the figure of \$20,000 allegedly given to Judge Porteous by Mr. Amato and Bob Creely, which Agent Horner derived by looking at the number of curator cases that may have been assigned to Mr. Amato or Mr. Creely, multiplying that by the average fees associated with curator cases, and then dividing that number in half. Senate Vol. I at 175:1 – 176:16 (Amato).

166. Jake Amato never suggested the \$20,000 figure as the total amount of money given to Judge Porteous while on the state bench prior to his questioning by the FBI and/or House Impeachment Counsel. Senate Vol. I at 176:11-16 (Amato).

167. In fact, at this Senate deposition, Jake Amato testified that he had no knowledge concerning how much money had been given to Judge Porteous and that “something between ten and twenty thousand dollars is the number that’s been batted around, but, no, I never sat down and put a pencil to it.” Amato Senate Dep. at 38:9-17.

168. Jake Amato’s “guesstimate” concerning the total amount of money that may have been given to Judge Porteous while he was on the state bench has been reverse-engineered as a result of repeated questioning based on assumed facts by the House Managers and/or House Impeachment Counsel. Senate Vol. I at 175:1 – 176:16 (Amato); Amato Senate Dep. at 70:11-71:23.

169. All of the money given to Judge Porteous that Jake Amato thinks may have been connected to curatorships is confined to Judge Porteous’s time as a state court judge. Senate Vol. I at 176:17-20 (Amato).

170. Jake Amato was never concerned about appearing in court before Judge Porteous while Bob Creely was receiving curatorship appointments from Judge Porteous because there was no relationship between curatorships and how Judge Porteous ruled on cases before him. Senate Vol. I at 131:5-11, 211:8-12 (Amato).

171. Neither Jake Amato nor Bob Creely ever explained to Judge Porteous how the Amato & Creely law firm was structured as a partnership or how its profits were divided. Senate Vol. I at 170:2-8, 170:14-17 (Amato); Senate Vol. I at 326:21 – 327:3 (Creely).

172. Bob Creely does not recall ever telling Judge Porteous that any of the money that Mr. Creely gave to him came from Jake Amato. Creely Senate Dep. at 38:10-12.

Judge Porteous Was Nominated and Confirmed to the Federal Bench in 1994

173. Judge Porteous was nominated and confirmed to be a federal district court judge in the Eastern District of Louisiana in 1994. Senate Vol. 1 at 118:24 – 119:2 (Amato); Stipulation 12-16.

174. Bob Creely was interviewed by the FBI in connection with Judge Porteous's nomination to the federal bench. Senate Vol. I at 275:19 – 276:2 (Creely). Mr. Creely does not know how the FBI got his name. Senate Vol. I at 280:18-24 (Creely).

175. Jake Amato, Bob Creely, and Judge Porteous continued to have lunch together, albeit less frequently, after Judge Porteous was appointed to the federal bench. Senate Vol. I at 251:18-20 (Creely); Amato Senate Dep. at 16:4-7; Stipulation 66.

176. Bob Creely saw Judge Porteous less frequently when he became a federal judge because Judge Porteous's chambers had moved from Gretna to New Orleans and Mr. Creely was extremely busy during that time period. Senate Vol. I at 253:11-18, 321:10 – 322:3 (Creely).

177. Judge Porteous did not assign any curatorships to either Jake Amato or Bob Creely (or anyone else) as a federal judge. Senate Vol. I at 128:14-17 (Amato).

178. As a federal judge, Judge Porteous did not have any role or involvement with curatorships. Senate Vol. I at 176:21-23 (Amato).

179. Bob Creely never directly gave any money to Judge Porteous while he was a federal judge. Senate Vol. I at 322:4-7 (Creely).

Judge Porteous's Son's Internship/Externship in D.C.

180. Timothy Porteous interned or externed for Senator John Breaux in the summer of 1994, prior to Judge Porteous being sworn in as a federal judge. Senate Vol. III at 1243:19-24 (Timothy Porteous).

181. Bob Creely testified at his Senate Deposition on August 2, 2010, that he did not know of any money given to anyone in connection with Judge Porteous's son's internship or externship in Washington, D.C. Stipulation 103.

182. Any money that Timothy Porteous received from Jake Amato or Bob Creely in connection with his internship or externship in Washington, D.C. was a gift from Mr. Amato or Mr. Creely to Timothy Porteous, which was given out of love for Timothy Porteous. Senate Vol. III at 1244:1-20 (Timothy Porteous).

183. Don Gardner gave Timothy Porteous some money (a "few dollars") to help pay for his expenses during his internship or externship in the U.S. Senate because he was proud of him and as a form of congratulations. Senate Vol. IV at 1589:16 – 1590:4, 1590:21-23 (Gardner). Mr. Gardner gave that money as a gift to Timothy Porteous, whom he has known since the day that Timothy Porteous was born. Senate Vol. IV at 1601:2-6 (Gardner).

184. Any money that Jake Amato, Bob Creely, or Don Gardner gave to Timothy Porteous in connection with his 1994 internship or externship in the U.S. Senate occurred before Judge Porteous was a federal judge, occurred two years before Judge Porteous was randomly assigned to preside over the Lifemark v. Liljeberg case, and occurred three years before the trial in that case took place. Senate Vol. IV at 1600:5-8 (Gardner).

Investiture Party

185. Bob Creely testified at his Senate Deposition on August 2, 2010, that he did not have any recollection of attending or contributing money for a party following Judge Porteous's investiture as a federal judge. Stipulation 102.

The Lifemark Case

186. The case of *Lifemark Hospitals of La., Inc. v. Liljeberg Enterprises, Inc.* (E.D. La. No. 2:93-cv-1794) (the "Lifemark case") was randomly assigned to Judge Porteous on January 16, 1996. Stipulation 104 & 106; Senate Vol. I at 407:25 – 408:8 (Mole). The Lifemark case had been pending in federal district court since June of 1993, and Judge Porteous was at least the seventh federal district court judge to preside over it. Stipulation 105-06.

187. From the beginning of his involvement in the case, Judge Porteous made it clear that he was going to take control of the Lifemark case, stop it from continuing to bounce from court to court to court, and take the case to trial. Senate Vol. I at 194:11-13 (Amato).

188. Bob Creely did not enter an appearance in, and had no role in litigating, the Lifemark case. Senate Vol. I at 286:6-12 (Creely); Stipulation 111; Amato Senate Dep. at 56:23 – 56:4; Senate Vol. I at 417:13-19 (Mole).

189. Other than being aware the Jake Amato was involved in and spending a lot of time working on the Lifemark case, Bob Creely did not know what role Amato & Creely played in the Lifemark case. Senate Vol. I at 284:17 – 285:1, 258:12-15 (Creely).

190. Prior to entering an appearance in the Lifemark case, Jake Amato, who had been practicing law for more than 20 years and had tried scores of cases by that point, took two to three months to evaluate the merits of the case and decide whether to take the case. Stipulation

112-13; Senate Vol. I at 186:11-22, 189:20 – 190:2, 193:6-13, 218:19-23, 238:22 – 239:12 (Amato).

191. The Lifemark case resulted from a dispute between Lifemark Hospitals of Louisiana, Inc. and the Liljeberg family relating to a hospital that the Liljebergs had built with financing from Lifemark known as the Kenner Regional Medical Center. Senate Vol. I at 379:16-25 (Mole). The Liljebergs and Lifemark entered into a contractual relationship whereby Lifemark operated the hospital, while the Liljebergs operated the pharmacy in the hospital. Senate Vol. I at 380:1-7 (Mole). At trial, the litigation focused on three issues: (1) whether Lifemark was liable to the Liljebergs for damages flowing from their loss of the hospital as a result of a foreclosure sale; (2) whether Lifemark was entitled to terminate the pharmacy contract with the Liljebergs; and (3) whether Lifemark owed the Liljebergs over \$20 million in unpaid pharmacy payments due under the pharmacy contract. Senate Vol. I at 380:8-23 (Mole).

192. Jake Amato never took on any case, including the Lifemark case, because he was friends with the judge presiding over it. Senate Vol. I at 184:23 – 185:8, 220:21-24 (Amato). Instead, Mr. Amato has only ever taken cases that he thought were winnable on the merits and deserved to be pursued. Senate Vol. I at 184:23 – 185:8, 220:21-24 (Amato).

193. Jake Amato has always believed that the merits of the Lifemark case were on the side of his clients, the Liljebergs. Senate Vol. I at 220:25 – 221:2 (Amato).

194. Jake Amato did not believe that his friendship with Judge Porteous would make one bit of difference in terms of winning the Lifemark case. Senate Vol. I at 221:15-18 (Amato).

195. Jake Amato never told Bob Creely that he thought that Judge Porteous would rule for him because of their friendship. Senate Vol. I at 332:21-24 (Creely).

196. Jake Amato told Bob Creely that he thought he was going to win the Lifemark case because he thought he had a good case. Senate Vol. I at 288:3-14 (Creely).

197. Jake Amato viewed the Lifemark case as one of David versus Goliath, where the Goliath (Tenet Healthcare) had hired and/or conflicted-out every large law firm in New Orleans and Texas from representing the David (the Liljeberg family). Senate Vol. I at 185:15 – 186:9 (Amato).

198. Jake Amato believed that, in connection with their dispute, Lifemark did everything that they could to break the Liljebergs, including stealing drugs from the pharmacy, mischarting information, hoarding drugs, and refusing to pay the Liljebergs money that they were owed under their contract. Senate Vol. I at 188:7-12 (Amato).

199. Lifemark, which was effectively the defendant in the Lifemark case, pursued a concerted strategy to delay the case. Senate Vol. I at 188:13-17, 190:19 – 191:15 (Amato).

200. Lifemark had been litigating with the Liljebergs since 1985. Senate Vol. I at 405:21 – 406:1 (Mole).

201. The Lifemark case was a complex case that turned on unique issues of Louisiana law. Senate Vol. I at 190:3-16 (Amato).

202. On September 19, 1996, the Liljebergs filed a motion to enter the appearances of Jake Amato and Lenny Levenson as their attorneys. Stipulation 108. Judge Porteous granted that motion on September 23, 1996. Stipulation 108.

203. Jake Amato's testimony before the Committee that Lenny Levenson came into the Lifemark case after Mr. Amato is directly contradicted by the documentary evidence and the parties' stipulations. Senate Vol. I. at 133:12-18 (Amato); Stipulation 108.

204. Lifemark (which was and still is owned by Tenet Healthcare) retained attorney Joe Mole as its counsel (and as replacement for its prior counsel) in the Lifemark case in April 1996. Senate Vol. I at 378:15 – 379:3, 380:24 – 381:1, 405:13-20, 406:24 – 407:17 (Mole).

205. Joe Mole's appearance in the Lifemark case occurred only five months earlier than Jake Amato and Lenny Levenson's formal appearance in the case. Senate Vol. I at 413:10-12 (Mole); House Ex. 50 (Lifemark Docket Report).

206. Joe Mole considered Judge Porteous to be an intelligent man and a very good trial judge. Senate Vol. I at 396:11-14 (Mole). Judge Porteous knew the Rules of Evidence very well and had a good command of the courtroom. Senate Vol. I at 396:15-20 (Mole); Senate Vol. IV at 1559:17-22 (Gardner).

207. After Jake Amato and Lenny Levenson noticed their appearance in the Lifemark case, Joe Mole spoke with a number of other attorneys in New Orleans in order to obtain additional information concerning Mr. Amato, Mr. Levenson, and Judge Porteous. Senate Vol. I at 410:12-17 (Mole). Mr. Mole recalls speaking with attorneys Ralph Capitelli (who currently represents Mr. Amato in connection with the Senate impeachment proceedings) and Tommy Lane. Senate Vol. I at 410:18 – 411:4 (Mole). Mr. Mole learned that Judge Porteous, Mr. Amato, and Mr. Levenson were close friends, who socialized and went to lunch together. Senate Vol. I at 411:5-14 (Mole).

208. On October 1, 1996, Lifemark, through its attorney, Joe Mole, filed a Motion to Recuse Judge Porteous. Stipulation 114.

209. Prior to filing his recusal motion, Joe Mole was aware of and familiar with the Fifth Circuit's statement in Travelers Insurance Company v. Liljeberg Enterprises, Inc., 38 F.3d 1404 (5th Cir. 1994), that "[m]any courts therefore have held that a judge need not disqualify

himself just because a friend – even a close friend – appears as a lawyer.” Senate Vol. I at 414:16 – 415:11 (Mole); House Ex. 53 (Liljeberg Opposition to Lifemark Motion to Recuse, at 1).

210. In the motion to recuse, Joe Mole argued that the close relationship between Judge Porteous, Jake Amato, and Lenny Levenson, including that they were known to socialize together and that Mr. Amato and Judge Porteous had been law partners more than 20 years earlier, and the timing of Mr. Amato and Levenson’s appearance in the case, created a potential appearance of impropriety. Senate Vol. I at 385:8-23 (Mole). Mr. Mole also argued that it was unusual for Mr. Amato and Levenson to enter the Lifemark case because they were trial lawyers. Senate Vol. I at 408:9-15 (Mole). Mr. Mole made this argument even though trial lawyers are experienced in handling bench trials, and Mr. Mole was unfamiliar with Mr. Levenson and was unaware of Mr. Levenson’s experience handling complex bankruptcy cases. Senate Vol. I at 408:16-25 (Mole).

211. When Joe Mole filed Lifemark’s recusal motion, and alleged that the timing of Jake Amato and Lenny Levenson’s appearance in the case created a potential appearance of impropriety, Mr. Mole did not know how long Mr. Amato and Mr. Levenson had been working on the Lifemark case prior to formally noticing their appearance in court. Senate Vol. I at 409:6-10 (Mole).

212. After extensive briefing by the parties, Judge Porteous held a hearing on the Lifemark recusal motion. Stipulation 115-18.

213. At the time of the hearing on the Lifemark recusal motion, Judge Porteous had already indicated that the trial date then set for November 1996 was likely going to be pushed back. Senate Vol. I at 413:13-20 (Mole). The trial in the Lifemark case did not ultimately begin

until mid-June 1997, nine months after Jake Amato and Lenny Levenson noticed their appearance in the case. Senate Vol. I at 414:9-15 (Mole).

214. At the hearing on the recusal motion, Joe Mole, attorney for Lifemark, stated that he was aware that Judge Porteous, Jake Amato, and Lenny Levenson were “very, very close friends.” Senate Vol. I at 199:14-19 (Amato); Senate Vol. I at 411:15-20 (Mole); House Ex. 56 (Recusal Hearing Transcript, at 6:14). Mr. Mole also stated that Judge Porteous’s relationship with Mr. Amato and Mr. Levenson was very well known in the legal community. Senate Vol. I at 411:21 – 412:2, 412:7-11 (Mole); House Ex. 56 (Recusal Hearing Transcript).

215. The fact that Judge Porteous and Jake Amato were close friends who went to lunch together and went hunting and fishing together was not a secret to anyone in 1999. Senate Vol. I at 199:14-19, 229:19-20 (Amato).

216. Judge Porteous specifically disclosed and confirmed during the recusal hearing that he and Jake Amato and Lenny Levenson were friends. Senate Vol. I at 415:18-22 (Mole); House Ex. 56 (Recusal Hearing Transcript at 6:25 – 7:1).

217. Joe Mole’s statements during the recusal hearing concerning purported campaign contributions to Judge Porteous while he was on the state bench were inaccurate. Senate Vol. I at 200:12 – 201:13 (Amato); Senate Vol. I at 387:5-17 (Mole).

218. There is no evidence to support the allegation that Judge Porteous made intentionally misleading statements during the Lifemark recusal hearing. *See generally* Senate Vols. I-V.

219. At the time of the Lifemark recusal hearing, Jake Amato had never personally given any money to Judge Porteous. Senate Vol. I at 199:20-23 (Amato).

220. Jake Amato was confident that Judge Porteous would give the parties in the Lifemark case a fair trial. Senate Vol. I at 199:24 – 200:7 (Amato).

221. Judge Porteous denied the recusal motion in open court on October 16, 1996, and issued a written order confirming the denial of the recusal motion on October 17, 1996. Stipulation 120-21.

222. Judge Porteous did not deprive either the parties to the Lifemark case or the public of his honest services by denying the Lifemark recusal motion. *See generally* Senate Vols. I-V.

223. After denying the recusal motion, Judge Porteous granted a stay of the Lifemark case specifically to allow Lifemark and its counsel, Mr. Mole, to seek appellate review of his decision concerning recusal by the Fifth Circuit. Stipulation 122; Senate Vol. I at 406:11-18, 416:6-10 (Mole).

224. In Lifemark’s appeal to the Fifth Circuit, Joe Mole specifically asserted that “there is no doubt that Messrs. Amato and Levenson are extremely close, if not best friends with Judge Porteous.” Senate Vol. I at 416:11-19 (Mole); House Ex. 58 (Lifemark Petition to the Fifth Circuit, at 13). Mr. Mole further stated that the relationship between Judge Porteous, Mr. Amato, and Mr. Levenson is “well known in the legal community” and the “public perception is that Messrs. Amato and Levenson frequently dine with Judge Porteous, at their expense, and that they travel and socialize with Judge Porteous on a very frequent basis.” House Ex. 58 (Lifemark Petition to the Fifth Circuit, at 13).

225. The Fifth Circuit affirmed Judge Porteous’s denial of the recusal motion by denying Lifemark’s petition for writ of mandamus on October 28, 1996. House Ex. 59 (Fifth Circuit Order denying Petition for Writ of Mandamus).

226. Shortly thereafter, Joe Mole contacted Tom Wilkinson, the Jefferson Parish Attorney and brother of Jay Wilkinson, the federal magistrate judge presiding over the Lifemark case, to “help [him] solve [his] problem” of having Judge Porteous in the Lifemark case. Senate Vol. I at 421:11 – 422:10 (Mole).

227. Tom Wilkinson suggested that Mr. Mole contact Don Gardner. Senate Vol. I at 423:12-14 (Mole). Don Gardner and Judge Porteous were close friends. Senate Vol. I at 332:25 – 333:5 (Creely); Senate Vol. I at 419:19 – 420:1 (Mole); Senate Vol. IV at 1554:17 – 1555:11 (Gardner).

228. Tom Wilkinson called Don Gardner and discussed the Lifemark case with him. Senate Vol. IV at 1555:22 – 1556:17 (Gardner). Mr. Gardner told Mr. Wilkinson that he did not practice in federal court, was not interested in being involved in the Lifemark case, and did not think that he could assist with the case. Senate Vol. IV at 1556:4-10, 1557:19-25 (Gardner). Mr. Wilkinson approached Mr. Gardner again and convinced him to discuss the matter with Joe Mole. Senate Vol. IV at 1558:1-7 (Gardner).

229. Joe Mole and Don Gardner discussed bringing Mr. Gardner into the case as additional counsel for Lifemark. Senate Vol. I at 423:24 – 424:13 (Mole); Senate Vol. IV at 1558:8-9 (Gardner).

230. Joe Mole wanted Judge Porteous to recuse himself from the Lifemark case and Mr. Mole thought that Don Gardner’s presence in the case would accomplish that goal. Senate Vol. I at 418:6-25 (Mole).

231. In their conversations, Don Gardner consistently told Joe Mole that he would not be able to influence Judge Porteous’s handling of the Lifemark case in any way. Senate Vol. I at 393:18 – 394:5, 419:1-9 (Mole); Senate Vol. IV at 1558:22 – 1559:4, 1565:3-15 (Gardner). Mr.

Gardner also told Mr. Mole that he would not do anything other than participate as a lawyer in the Lifemark case; he would not go to Judge Porteous and ask him for any favors. Senate Vol. IV at 1592:10 – 1593:4 (Gardner).

232. Joe Mole and Lifemark brought Don Gardner into the Lifemark case solely because Mr. Gardner was friends with Judge Porteous. Senate Vol. I at 390:20-23 (Mole).

233. Lifemark hired Don Gardner as additional counsel and filed a motion to enroll him in the Lifemark case on March 11, 1997. Stipulation 123; Senate Vol. I at 389:21-25 (Mole).

234. The agreement to retain Don Gardner as additional counsel for Lifemark in the Lifemark case, which Joe Mole drafted and sent to Mr. Gardner care of Tom Wilkinson, provided that Mr. Gardner would be paid a retainer of \$100,000 upon enrollment as counsel of record. Stipulation 124; House Ex. 35(b) (Gardner Retainer Agreement); Senate Vol. I at 391:6-7, 425:6 – 426:15 (Mole); Senate Vol. IV at 1559:25 – 1560:7, 1562:18 – 1563:7, 1623:21-24 (Gardner). That agreement also provided that Mr. Gardner would be paid an additional \$100,000 if Judge Porteous recused himself or otherwise withdrew from the case. Stipulation 125; House Ex. 35(b) (Gardner Retainer Agreement); Senate Vol. I at 391:8-15, 391:21 – 392:2 (Mole). In the event that Judge Porteous recused himself or otherwise withdrew from the case, the agreement provided that Mr. Gardner's representation of Lifemark would terminate and he would have no further connection with the case. House Ex. 35(b) (Gardner Retainer Agreement); Senate Vol. I at 391:21 – 392:8 (Mole). Mr. Gardner did not make any changes to the retainer agreement draft by Mr. Mole; he instead agreed to it as written. Senate Vol. I at 426:15-19 (Mole); Senate Vol. IV 1562:16-17 (Gardner).

235. Joe Mole is not aware of and has never heard of any other retainer agreements that offered to pay an attorney any sum of money if a judge recused himself after that attorney appeared in the case. Senate Vol. I at 432:24 – 433:11 (Mole).

236. Joe Mole believes that the retainer agreement that he drafted and entered into with Don Gardner in the Lifemark case was ethical. Senate Vol. I at 433:12-15 (Mole).

237. Professor Dane Ciolino testified that, in his expert opinion, the retainer agreement that Joe Mole entered into with Don Gardner appears to contemplate involving Mr. Gardner in the Lifemark case in an effort to get Judge Porteous disqualified from the case, which would be blatantly unethical. Senate Vol. IV at 1665:16-23 (Ciolino).

238. Professor Ciolino testified that, in his expert opinion, if the purpose of the Gardner retainer agreement was to judge shop, then that agreement is unethical and improper. Senate Vol. IV at 1668:16-20 (Ciolino).

239. Don Gardner believes that the purpose of the retainer agreement provision providing him an additional \$100,000 if Judge Porteous recused himself or otherwise withdrew from the Lifemark case was designed to get him to encourage Judge Porteous to withdraw from the case. Senate Vol. IV at 1563:21 – 1564:3 (Gardner).

240. Don Gardner never approached Judge Porteous and asked him to withdraw from the Lifemark case. Senate Vol. IV at 1564:4-6, 1565:13-15 (Gardner)

241. Don Gardner believes that Judge Porteous would have reacted very negatively if Mr. Gardner had approached him and asked him to withdraw from the case. Senate Vol. IV at 1566:4-18 (Gardner).

242. Don Gardner received the \$100,000 retainer payment called for under his agreement with Lifemark. Senate Vol. IV at 1566:23-25, 1613:7-13 (Gardner); House Ex. 35(b)

(Gardner Retainer Agreement). Mr. Gardner paid approximately \$30,000 of that \$100,000 retainer to Tom Wilkinson. Senate Vol. IV at 1567:1-14, 1613:14 – 1616:16, 1623:13-17 (Gardner); Senate Vol. I at 427:10-15 (Mole).

243. Joe Mole did not disclose to opposing counsel in the Lifemark case that he and his client had agreed to pay Don Gardner a \$100,000 retainer and an additional \$100,000 if Judge Porteous recused himself or otherwise withdrew from the case. Senate Vol. I at 430:12-17 (Mole). Mr. Mole also did not disclose that Mr. Gardner was very close friends with Judge Porteous, socialized with Judge Porteous, and went to lunch with Judge Porteous. Senate Vol. I at 430:18 – 431:1 (Mole).

244. Judge Porteous conducted a bench trial in the Liljeberg case from June 16, 1997, through June 27, 1997, from July 14, 1997, through July 15, 1997, and from July 21, 1997, through July 23, 1997. Stipulation 128; Senate Vol. I at 394:11-15, 430:1-3 (Mole).

245. Jake Amato was very involved in, and did a lot of work at, the Lifemark trial, including examining several witnesses. Senate Vol. I at 249:3-9 (Mole).

246. Don Gardner was not lead trial counsel and did not examine any witnesses or even speak in court during the trial in the Lifemark case. Stipulation 127; Senate Vol. I at 201:18-25 (Amato); Senate Vol. I at 390:24 – 391:5, 427:16-20 (Mole). Mr. Gardner did attend every day of trial in the Lifemark case, however. Senate Vol. IV at 1567:15-22 (Gardner). Mr. Gardner, along with Messrs. Mole, Levenson, and Draper, also met with Judge Porteous after each trial day to discuss the case. Senate Vol. I at 428:14 – 429:2 (Mole).

247. Joe Mole's recollection that at some point during the Lifemark trial Judge Porteous threw a couple of large binders full of paper at him is directly contradicted by Don Gardner's sworn testimony. Senate Vol. I at 395:10-18 (Mole); Senate Vol. IV at 1567:23 –

1568:17 (Gardner). What actually happened is that some binders accidentally fell off of Judge Porteous's bench; Judge Porteous did not throw anything at Mr. Mole. Senate Vol. IV at 1568:9-17 (Gardner).

248. During trial, Lifemark made a series of offers to the Liljeberg to settle the case for amounts ranging from \$18 million to just under \$30 million. Senate Vol. I at 429:10-15 (Mole); Senate Vol. IV at 1568:18 – 1569:23 (Gardner).

249. At the conclusion of the Liljeberg trial in July 1997, Judge Porteous took the case under advisement. Stipulation 129.

250. Jake Amato and Judge Porteous remained friends during the pendency of the Lifemark case and continued to go to lunch as they had for more than 20 years prior to that case. Senate Vol. I at 145:7-11 (Amato).

251. While Jake Amato had an out-of-court conversation with Judge Porteous during the pendency of the Lifemark case, that conversation did not concern the merits of the case, and Mr. Amato therefore does not consider it to be an inappropriate ex parte contact. Senate Vol. I at 147:3 – 148:7, 195:20 – 196:4 (Amato). Mr. Amato remembers Judge Porteous telling him that he had better prove his case to not only his satisfaction, but also to the satisfaction of the Fifth Circuit. Vol. I at 147:3 – 148:7 (Amato). Mr. Amato explained that the Liljebergs (Mr. Amato's client) had a long line of unsuccessful litigation in federal court, and that they had been particularly unsuccessful before the Fifth Circuit. Senate Vol. I at 148:11-17 (Amato). Mr. Amato further explained that Judge Porteous was communicating to Mr. Amato that he should not count on their friendship, but instead would need to prove his case because Judge Porteous would not rule in Mr. Amato's client's favor just because he and Mr. Amato were friends. Senate Vol. I at 195:12-19 (Amato).

252. While the House has alleged that Don Gardner had an ex parte conversation with Judge Porteous concerning the Lifemark case, Mr. Gardner testified that Lenny Levenson (who represented the opposing side) was also present during that conversation. Senate Vol. IV at 1064:17 – 1606:14 (Gardner).

253. Jake Amato is certain that he proved his case at trial on behalf of his clients, the Liljebergs. Senate Vol. I at 196:23-24 (Amato); Amato Senate Dep. at 49:12-21.

254. On April 26, 2000, Judge Porteous issued a 105-page written opinion in the Lifemark case. Stipulation 130; House Ex. 62.

255. The delay between the end of the Lifemark trial and the issuance of Judge Porteous's opinion in the Lifemark case was the result of the complexity of the case and the fact that Judge Porteous did not have a law clerk assisting him with the case. Amato Senate Dep. at 63:19-23.

256. The opinion that Judge Porteous issued in the Lifemark case was largely in favor of Jake Amato's clients, the Liljebergs, and largely against Don Gardner's client, Lifemark. Senate Vol. I at 196:25 – 197:2 (Amato); Senate Vol. I at 399:2 – 400:16 (Mole).

257. Lifemark appealed Judge Porteous's decision in the Lifemark case to the Fifth Circuit. Stipulation 131; Senate Vol. I at 401:5-11 (Mole).

258. The Fifth Circuit affirmed a portion, reversed a portion, and modified a portion of the opinion that Judge Porteous issued in the Lifemark case. Senate Vol. I at 149:2-6, 198:19-22 (Amato); Senate Vol. I at 401:12-19 (Mole).

259. The Fifth Circuit panel that reviewed Judge Porteous's opinion in the Lifemark case was composed entirely of Texas lawyers. Senate Vol. I at 198:23-25 (Amato).

260. Following the Fifth Circuit's ruling, the Lifemark case settled. Senate Vol. I at 404:6-10 (Mole).

261. Jake Amato believes that Judge Porteous handled himself properly in connection with the Lifemark case. Senate Vol. I at 149:13-15 (Amato).

262. Jake Amato believes that Judge Porteous's ruling in the Lifemark case was absolutely correct and that the Fifth Circuit's opinion overturning Judge Porteous's ruling was wrong. Senate Vol. I. at 149:14-17, 199:5-10 (Amato); Amato Senate Dep. at 52:22 – 53:25 (Judge Porteous's decision in Lifemark was "absolutely correct," and the Fifth Circuit was "wrong, wrong, wrong"); Stipulation 132.

1999 Fishing Trip

263. While Jake Amato believes that he went on a fishing trip in 1999 with Judge Porteous, he does know when in 1999 that trip occurred. Senate Vol. I at 139:12-17 (Amato). Mr. Amato thinks it may have been in May or June of 1999. Senate Vol. I at 139:12-17, 140:17-22, 178:3-8 (Amato).

264. Bob Creely did not go on the 1999 fishing trip with Jake Amato and Judge Porteous. Senate Vol. I at 330:21-24 (Creely).

265. Bob Creely has no knowledge of the 1999 fishing trip over than what Jake Amato told him. Creely Senate Dep. at 60:24 – 61:7, 61:15-17.

266. Jake Amato is uncertain of when the fishing trip occurred and testified before the Committee that the copy of a calendar that the House Managers represented to be that of Mr. Amato's was "miscopied." Senate Vol. I at 139:18-22, 140:12-14 (Amato).

267. Jake Amato testified before the Committee that the 1999 fishing trip was the only time Judge Porteous ever asked Mr. Amato for money, which occurred three years after the

Lifemark recusal hearing. Senate Vol. I at 141:2-19, 178:20-22, 206:6-12, 232:10-13 (Amato); *see also* Amato Senate Dep. at 42:11-13. Mr. Amato recalls that he and Judge Porteous were on a boat late at night and were drinking alcohol and Judge Porteous became very upset (more distraught than Mr. Amato had ever before seen Judge Porteous) because his son's wedding was coming up and he did not have enough money to cover certain wedding-related expenses. Senate Vol. I at 141:2-19, 178:12-19, 179:4-13 (Amato).

268. Following his conversation with Judge Porteous, Jake Amato thinks he gave Judge Porteous either \$1,000 or \$2,000 dollars. Senate Vol. I at 141:15-19 (Amato). Jake Amato does not know if Bob Creely contributed a portion of this money. Senate Vol. I at 141:20-22 (Amato).

269. Jake Amato does not recall how this money was delivered. Senate Vol. I at 141:25 – 142:5 (Amato).

270. Jake Amato did not give money to Judge Porteous in 1999 as a bribe. Senate Vol. I at 179:14-16 (Amato).

271. Jake Amato did not expect any *quid pro quo* of any kind from Judge Porteous in connection with the money that he gave him in 1999. Amato Senate Dep. at 43:7-9; Stipulation 133.

272. Jake Amato did not give money to Judge Porteous in 1999 as a kickback. Senate Vol. I at 179:17-19 (Amato).

273. The reason that Jake Amato gave Judge Porteous money in 1999 was friendship and because Mr. Amato felt sorry for Judge Porteous. Senate Vol. I at 184:3-12 (Amato) Amato Senate Dep. at 42:24 – 43:6.

274. Jake Amato did not think that the money he gave Judge Porteous in 1999 would influence Judge Porteous in connection with the Lifemark case. Senate Vol. I at 179:20-22, 180:10-13 (Amato); Amato Senate Dep. at 64:15 – 65:2. Instead, Jake Amato thought that Judge Porteous would rule on that case exclusively on the basis of the law and the facts. Senate Vol. I at 180:14-16 (Amato).

275. In fact, during his direct examination by the House before the Committee, Jake Amato testified twice, “no,” to the question of whether his financial interest in earning legal fees as a result of the outcome of the Lifemark case influenced his willingness to give Judge Porteous money in 1999. Senate Vol. I at 142:8-14 (Amato). Only after being pressed repeatedly by House Manager Schiff did Mr. Amato change his answer to that question. Senate Vol. I at 143:1 (Amato).

276. The only money that Jake Amato ever recalls giving to Judge Porteous while he was a federal judge was the money that Mr. Amato gave him in connection with his son’s wedding. Senate Vol. I at 176:24-177:2 (Amato).

277. Bob Creely’s testimony that Rhonda Danos came by the Amato & Creely offices to pick up the money is directly contradicted by Ms. Danos. Senate Vol. I at 291:20-292:2 (Creely); Senate Vol. III at 885:20 – 887:1 (Danos).

278. Rhonda Danos never picked up cash from the Amato & Creely law office. Senate Vol. III at 885:20-22 (Danos).

279. Rhonda Danos never picked up an envelope from the Amato & Creely law office that she thought contained cash. Senate Vol. III at 885:23-25 (Danos).

280. With regard to the one envelope that Rhonda Danos recalls picking up from Debbi Mull, a secretary who worked at the Amato & Creely law office, that event did not occur

before 2000 or 2001, at least a year after the 1999 fishing trip. Senate Vol. III at 886:8-19 (Danos).

Timothy Porteous's Bachelor Party in Las Vegas

281. In May 1999, a bachelor party was held in Las Vegas for Judge Porteous's son, Timothy. Stipulation 134.

282. Approximately 30 people attended Timothy Porteous's bachelor party in Las Vegas, including a number of Judge Porteous's close friends. Senate Vol. I at 289:10-14 (Creely); Senate Vol. III at 1241:4-15 (Timothy Porteous). Bob Creely and Don Gardner attended the bachelor party. Senate Vol. I at 289:10-14 (Creely); Senate Vol. III at 1242:12-16 (Timothy Porteous); Stipulation 135-36. Jake Amato did not attend, but his son did. Senate Vol. I at 146:5-10 (Amato); Senate Vol. I at 352:23-25 (Creely).

283. Bob Creely and Don Gardner did not attend Timothy Porteous's bachelor party because they were lawyers who sometimes appeared before Judge Porteous; they attended because they were long-time friends of the Porteous family. Senate Vol. III at 1242:17-23 (Timothy Porteous).

284. Jake Amato does not know how any bills associated with the bachelor party for Judge Porteous's son were paid. Senate Vol. I at 146:17-19 (Amato).

285. There is no evidence to show that the credit card charges incurred on Jake Amato's Amato & Creely firm credit card in Las Vegas in May 1999 were not incurred by Mr. Amato's son, Trey, who (unlike his father) attended Timothy Porteous's bachelor party. Senate Vol. I at 352:23-25 (Creely); *see generally* Senate Vols. I-V.

286. Bob Creely paid for a portion of a dinner that everyone on the bachelor party attended. Senate Vol. I at 289:15-22, 328:21-6 (Creely); Senate Vol. III at 1241:22-1242:11

(Timothy Porteous). Mr. Creely paid approximately \$450 to cover the cost of the food and drink ordered by the four people at his table. Senate Vol. I at 289:15-22, 328:7-20 (Creely).

287. Bob Creely does not recall paying for Judge Porteous's hotel room. Senate Vol. I at 289:23-290:2 (Creely).

288. Bob Creely went to a strip club in Las Vegas with the bachelor party attendees, including Judge Porteous. Senate Vol. I at 291:7-10 (Creely). Mr. Creely gave the bouncer \$200 and then left to return to the hotel. Senate Vol. I at 291:11-19 (Creely). There is no evidence to show what the bouncer did with that money. Judge Porteous's son's, Timothy, who was also at the strip club that night does not recall his father ever receiving a lap dance. Senate Vol. III at 1243:13-18 (Timothy Porteous).

C. Article II

289. Article II alleges that Judge Porteous “engaged in a longstanding pattern of corrupt conduct....” 111 Cong. Rec. S1645 (Mar. 17, 2010). Article II states that this conduct began “in or about the late 1980s while he was a State court judge in the 24th Judicial District Court in the State of Louisiana....” *Id.*

290. Article II further defines this conduct, alleging that Judge Porteous “solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit....” 111 Cong. Rec. S1645 (Mar. 17, 2010).

291. Article II alleges that while Judge Porteous solicited and accepted these things of value, he took “official actions that benefitted the Marcottes...while on the State bench.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

292. Article II alleges that the “pattern of corrupt conduct” continued while Judge Porteous was on the federal bench, but fails to allege any act other than that “Judge Porteous used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes’ business.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

293. Article II alleges that “Judge Porteous well knew and understood” that Louis Marcotte “made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

294. Article II does not allege that Judge Porteous suborned false statements or made a single false statement himself. 111 Cong. Rec. S1645 (Mar. 17, 2010).

Basic Facts About Relationship between Porteous and the Marcottes

295. Judge Porteous never asked that the Marcottes provide him with a percentage of the bonds he signed for them. Stipulation 163.

296. Judge Porteous never asked Bail Bonds Unlimited or the Marcottes for a percentage back, or any cash, in connection with any bonds that he set. Senate Vol. II at 617:20-25 (Lori Marcotte).

297. The Marcottes never had a conversation where they discussed or demanded certain official actions from Judge Porteous in exchange for the providing of things of value. Senate Vol. II at 563:21-25 (Louis Marcotte); Senate Vol. II at 617:08-11 (Lori Marcotte).

298. The House does not allege that Judge Porteous set any particular bond “too high” or “too low.” House Pre-Trial Statement.

299. According to Professor Ciolino, if none of the bonds were set too high or too low, that would be a factor in determining whether the judge had done anything unethical in relationship with bail bondsmen. Senate Vol. IV at 1677:12-13 (Ciolino).

300. During the evidentiary hearings, the House did not present evidence of any individual or specific bond being improperly set, reduced, split, or altered. *See generally* Senate Vols. I-V.

301. During the evidentiary hearings, the House did not present evidence of any bond being set, reduced, split, or altered by Judge Porteous for the Marcottes that would not have been otherwise set by another judge or for another bonding agency. *See generally* Senate Vols. I-V.

302. The Marcottes and Bail Bonds Unlimited never gave cash to Judge Porteous. Senate Vol. II at 549:01-03 (Louis Marcotte); Senate Vol. II at 617:05-09 (Lori Marcotte).

303. The Marcottes and Bail Bonds Unlimited never made a campaign contribution to Judge Porteous. Senate Vol. II at 549:04-06 (Louis Marcotte); Senate Vol. II at 617:10-12 (Lori Marcotte).

304. The Marcottes did do a small number of bonds in federal court but Judge Porteous never set a bond for the Marcottes or Bail Bonds Unlimited while he was a federal judge. Senate Vol. II at 581:01-12; 549:07-09 (Louis Marcotte); Senate Vol. II at 611:15-19; 617:13-16 (Lori Marcotte).

305. Louis Marcotte considered Judge Porteous to be a friend. Senate Vol. II at 581:17-19 (Louis Marcotte).

The Marcottes' Credibility

306. Louis Marcotte testified that he lied to federal investigators on several occasions, going as far as to say "I wouldn't have had any reason to tell the truth." Senate Vol. II at 531:24-25; 532:16-22; 532:23-533:04 (Louis Marcotte).

307. In April 2003, Louis Marcotte swore under oath that "At no time have I ever given money or anything of value to Judge Porteous for reducing or altering any bond." House Ex. 280. In his Senate testimony, Louis Marcotte reversed course, stating that this statement was "completely false." Senate Vol. II at 544:19-24 (Louis Marcotte).

308. Louis Marcotte is a convicted felon, having pled guilty to a corruption scheme, and having spent 18 months in a federal prison. Senate Vol. II at 546:04-547:20 (Louis Marcotte); *see also* House Exs. 70, 71(b)-(f).

309. Louis Marcotte's plea agreement with the government was "predicated" upon his cooperation with government authorities. House Ex. 71(b).

310. Lori Marcotte pled guilty to corruption. She was sentenced to three years probations with six months home confinement. Senate Vol. II at 615:17-25 (Lori Marcotte).

311. Lori Marcotte's plea agreement with the government was "predicated" upon her cooperation with government authorities. House Ex. 73(a).

312. Ronald Bodenheimer testified that "I was told something to the effect of that the strength of my testimony was to bolster Louis Marcotte, because they, meaning the House attorneys, had no faith in his credibility by itself, they wanted me to bolster it. Senate Vol. III at 1310:03-13 (Bodenheimer).

Meeting Judge Porteous / Transition from Adam Barnett

313. When Louis Marcotte first entered the bail bonds business as the owner of Bail Bonds Unlimited, he occasionally worked with Adam Barnett, another bail bondsman working in the area. Stipulation 145.

314. Louis Marcotte met Judge Porteous through Adam Barnett, another bail bondsmen. Senate Vol. II at 509:07-12 (Louis Marcotte).

315. Louis Marcotte believes he met Judge Porteous sometime in the 1990s. Senate Vol. II at 513:13-16 (Louis Marcotte).

316. Louis Marcotte told the FBI that he was not heavily involved with bond matters prior to 1991. House Ex. 69(b), PORT000000514.

317. Louis Marcotte told the FBI that "he did not even know Judge Porteous in 1998." House Ex. 69(b), PORT000000514.

318. Prior to 1988 or 1989, Lori Marcotte did not work as a bail bonds agent or in the bonding industry and the Marcottes were not the dominant bonding agency in Gretna, Louisiana. Lori Marcotte Senate Dep. at 6:14-19.

319. Prior to 1993, the Marcottes used Adam Barnett to approach judges. Senate Vol. II at 560:15-22 (Louis Marcotte); Senate Vol. II at 641:21-642:01 (Lori Marcotte).

320. In September 1993, the Times-Picayune published an article that discussed Adam Barnett and his improper use of his personal home as the surety for a bond for a third-party arrestee. House Ex. 119(z).

321. After this article was published, Judge Porteous stopped working with Adam Barnett. Senate Vol. II at 561:02-562:10 (Louis Marcotte). As a result, the Marcottes began interacting directly with Judge Porteous on bond matters. *Id.*

322. Only after the Times-Picayune article was published, did the Marcottes begin to establish a close working relationship with Judge Porteous. Senate Vol. II at 562:07-10 (Louis Marcotte).

323. As a result, the Marcottes only really directly interacted with Judge Porteous between September 1993 and October 1994, a period of 13 months. *See Proposed Facts 320-323, supra.*

Lori Marcotte's Relationship with Rhonda Danos

324. Lori Marcotte and Rhonda Danos were friends, and Lori Marcotte often confided in Danos about Marcotte's personal problems. Senate Vol. II at 579:02-04 (Louis Marcotte); Senate Vol. III at 889:23-890:11 (Danos); Stipulation 156.

325. Lori Marcotte and Rhonda Danos would socialize together, go on trips together (even sharing a room at one point), and attend music concerts together. Senate Vol. II at 580:05-08 (Louis Marcotte); Senate Vol. II at 634:13-19 (Lori Marcotte). Moreover, for some of these activities, Ms. Marcotte was unsure whether she or Ms. Danos paid. Senate Vol. II at 650:20-23 (Lori Marcotte).

326. Lori Marcotte and Rhonda Danos celebrated New Year's Eve together in 1993 and 1994. Senate Vol. II at 634:10-12 (Lori Marcotte).

327. Rhonda Danos would often assist Lori Marcotte by planning trips and parties, scheduling social outings for certain trips the Marcottes went on, and organizing transportation for some of the Marcottes' guests. Senate Vol. II at 580:09-25 (Louis Marcotte); Senate Vol. II at 634:22-635:04 (Lori Marcotte); Senate Vol. III at 891:21-24 (Danos); Lori Marcotte Senate Dep. at 23:17-27:07.

328. During the time frame she worked for Judge Porteous, Rhonda Danos also did sales work for a travel agency and served as a booking agent for entertainment venues. Senate Vol. III at 881:03-10 (Danos).

Open Door Policy

329. Judge Porteous maintained an open door policy regarding his chambers and his chambers were "open to anybody." Senate Vol. V at 1831:23-25 (Griffin); Senate Vol. III at 888:19-22 (Danos).

330. Judge Porteous's chambers were known as a place where lawyers and court personnel could stop by to have coffee. Senate Vol. III at 888:19-22 (Danos).

331. Rhonda Danos testified that the Marcottes received no "special access" or "special treatment" to Judge Porteous's chambers. Senate Vol. III at 888:16-18; 889:16-18 (Danos). Judge Porteous never directed Danos to provide special access to his chambers for certain individuals. Senate Vol. III at 889:05-10 (Danos).

332. On occasion, Danos made the Marcottes wait until the Judge was ready to see them and turned them away at times if the Judge was busy with Court proceedings. Senate Vol. III at 874:17-21 (Danos).

Judge Porteous as an Advocate Regarding the Value of Commercial Bonds

333. Judge Porteous often publicly spoke with lawyers and judges about the value of bonds. Senate Vol. III at 1270:04-07 (Bodenheimer); Senate Vol. II at 631:13-16 (Lori Marcotte).

334. Judge Porteous was viewed as one of the most experienced judges on criminal matters given his prior work as a prosecutor. Senate Vol. III at 1254:19-23 (Bodenheimer).

335. John Mamoulides served as the District Attorney for Jefferson Parish from 1972 until 1996. Senate Vol. V at 1747:02-07 (Mamoulides).

336. John Mamoulides first met Judge Porteous in 1972 or 1973, when Porteous was assigned work with the DA's office by the State's Attorney General. Senate Vol. V at 1748:20-1749:07 (Mamoulides).

337. According to an empirical study, "Defendants released on surety bonds are 28 percent less likely to fail to appear than similar defendants released on their own recognizance." John Mamoulides agreed that, in his experience, those released on surety bonds were more likely to re-appear on their scheduled court date. Porteous Ex. 1134; *see also* Senate Vol. V at 1766:10-1767:09 (Mamoulides).

338. Jefferson Parish showed the same results as this study with prisoners with surety bonds being more likely to reappear than those released on their own recognizance. Senate Vol. V at 1767:02-09 (Mamoulides).

339. Judge Porteous spoke about the role of bonds in the criminal justice system at the following national bail bonds conventions held by the Professional Bail Agents of the United States: Las Vegas, Nevada in 1996; New Orleans, Louisiana in July 1996; and Biloxi, Mississippi in July 1999. Stipulation 160.

340. When Judge Porteous was a speaker at a convention, the Professional Bail Agents of the United States would pay for Judge Porteous's airfare and hotel expenses. Lori Marcotte Senate Dep. at 135:18-20.

341. Judge Porteous, along with Louisiana Commissioner of Insurance James H. Brown, was designated as a "listed speaker" for the July 1996 Professional Bail Agents of the United States Mid-Year Conference, held at the Royal Sonesta Hotel in New Orleans, Louisiana. House Ex. 90(a).

342. Judge Porteous was designated as an "Invited Speaker" for the July 1999 Professional Bail Agents of the United States Mid-Year Conference, held at the Beau Rivage in Biloxi, Mississippi. House Ex. 90(b).

343. On or about July 19, 1999, Judge Porteous attended a Professional Bail Agents of the United States convention at the Beau Rivage Resort in Biloxi Mississippi, at which he attended a cocktail party hosted by Bail Bonds Unlimited. Stipulation 161.

344. Regarding trips to Las Vegas before 1994, Louis Marcotte is unsure how many trips occurred, but believes there was one or two, and is unclear whether Judge Porteous was a speaker at a Bail Bonds convention during one of those trips. Senate Vol. II at 571:13-572:08 (Louis Marcotte); Louis Marcotte Senate Dep. at 101:10-15.

Jail Overcrowding

345. Jefferson Parish jail was under a "strict" court order for overcrowding that required mandatory release of prisoners after the jail population reached a certain level. Senate Vol. II at 553:07-24 (Louis Marcotte); see also Senate Vol. II at 628:22-629:03 (Lori Marcotte); *see also* Porteous Exs. 1112-1113; Senate Vol. V at 1767:02-09 (Mamoulides).

346. An individual was far more likely to return to Court for their scheduled hearing date if a commercial surety bond had been set for their release. Senate Vol. II at 554:11-18 (Louis Marcotte); Senate Vol. II at 629:22-630:21 (Lori Marcotte); Senate Vol. V at 1767:02-09 (Mamoulides).

347. The higher a bond was set, the more likely an individual would be to return for their scheduled court date. Senate Vol. II at 555:05-08 (Louis Marcotte).

348. John Mamoulides stated that Jefferson Parish: “had a serious overcrowding problem.” Senate Vol. V at 1756:02-03 (Mamoulides).

349. Ronald Bodenheimer acknowledged that Judge Porteous was a strong advocate for the use of bonds but testified that he did not feel any pressure to specifically work with the Marcottes. He testified that “it didn’t take long before you felt pressured to do bonds because of a federal court decree that said if you didn’t do the bonds, they were going to release them with no bonds. So you did have pressure. And since Marcotte was doing the lion’s share of the bonds, you did have to deal with him. But I didn’t feel pressure from what I was told by Judge Porteous, no.” Senate Vol. III at 1262:04-15 (Bodenheimer).

350. “Sometime there were people as bad as multiple burglars or armed robbers that were released strictly on overcrowding.” Senate Vol. III at 1263:24-1264:01 (Bodenheimer).

351. Porteous was considered a leader in Jefferson Parish in terms of finding a solution to the overcrowding and bond problem.” Senate Vol. III at 1270:12-16 (Bodenheimer); Senate Vol. II at 511:08-10 (Louis Marcotte).

352. Bodenheimer stated that “I would venture to say – the numbers were astronomical of the people who were released for overcrowding. It was astronomical.” Senate Vol. III at 1276:21-1277:02 (Bodenheimer).

353. In September 1994, the Jefferson Parish jail was ordered to cap the total number of prisoner at 700. Porteous Ex. 1113, DEF02414.

354. There were 22 percent more reported crimes and 76 percent more criminal cases filed in the twenty-fourth judicial District Court in 1992 than in 1982. Porteous Ex. 1113, DEF02415.

355. In April 1994, 56 percent of the Jefferson Parish jail's inmates were rated Code-6, the designation for arrestees who are repeat and/or violent offenders. Porteous Ex. 1113, DEF02415. The Code 6 designation is use to identify these dangerous multiple offenders as high priority for continued detention or for vertical prosecution by the district attorney. *Id.*

356. A study conducted in 1994 found that "the majority (71 percent) of individuals released from jail were released virtually on their own recognizance, that is, with no bail, no conditions, and no supervision." Porteous Ex. 1113, DEF02416.

Magistrate Judge System

357. In the 24th Judicial District Court in the early to mid-1990s, the Court designed a rotation system, whereby individuals 24th JDC Judges would each serve as the "magistrate" or "duty" judge for a given week. Senate Vol. V at 1829:10-13; 1830:11-13 (Griffin); Senate Vol. II at 555:09-20 Louis Marcotte); Senate Vol. II at 625:03-05 (Lori Marcotte). The magistrate or duty judge would be the judge primarily responsible for reviewing and ruling on warrants and bonds during their assigned week. Senate Vol. II at 555:09-20 (Louis Marcotte); Senate Vol. II at 625:03-05 (Lori Marcotte); Porteous Ex. 1113, DEF02416 (stating "[s]ince 1991, the Twenty-fourth Judicial District Court has handled these hearings by having an appointed magistrate hold court at the jail every weekday morning. For persons charged with a crime carrying a possible

sentence of hard labor, a district court judge must set bail; and district court judges rotate the responsibility on a weekly basis.”)

358. Many judges within the 24th Judicial District Court disliked magistrate duty, were hard to reach, and “a lot of judges had reputations for not being available.” Senate Vol. II at 555:21-25 (Louis Marcotte); Senate Vol. II at 625:06-15 (Lori Marcotte).

359. Lori Marcotte testified that there were a number of judges that “didn’t like to do bonds.” Senate Vol. II at 6625:25-626:04 (Lori Marcotte).

360. Former Judge Ronald Bodenheimer testified that “most of the judges didn’t like that duty. . . . I don’t think any of them liked it. There were some who did it, some who were diligent about doing it, and some who just didn’t do it.” Senate Vol. III at 1272:10-19 (Bodenheimer).

361. Darey Griffin, who had served as the criminal clerk for several judges in the 24th Judicial District Court during the relevant time frame, stated that some judges “absolutely” did not enjoy the service as a magistrate judge. Senate Vol. V at 1831:06-09 (Griffin). In fact, Ms. Griffin stated that “I would say that none of them really enjoyed it.” *Id.*

362. Bodenheimer further testified that “some judges wouldn’t answer their phone, not even if another judge called, they wouldn’t answer their home phone, they wouldn’t answer the magistrate phone, they wouldn’t answer anything, and they just basically disappeared when it was their duty week.” Senate Vol. III at 1272:20-1273:10 (Bodenheimer).

363. Like bondsmen, prosecutors would also seek judges who were not designated as magistrate judges to approve certain requests. Senate Vol. V at 1775:18-25 (Mamoulides).

364. Former District Attorney John Mamoulides stated that the way in which bonds were handled was very similar to the way in which warrant requests were handled. He stated

that “detectives knew which judges were more able to accommodate them. Yeah, go see judge such and such, he’s here, across the river, this one is over here. They knew the judges and they could call and say Judge, I can’t find the assigned judge, would you let us come talk to you about a warrant, a search warrant or whatever it’s going to be.” Senate Vol. V at 1775:18-25 (Mamoulides).

365. Mamoulides further stated that “some of the judges would not be available to the detectives who would have to go find another judge. Because they all knew all the judges, and they could call them at their home. Any district judge could sign a warrant or search warrant.” Senate Vol. V at 1774:24-1775:13 (Mamoulides).

366. Detectives knew that “some judges were simply more available” and the detectives would go to those judges more often. Senate Vol. V at 1776:05-08 (Mamoulides).

Bail Bond Business in Gretna, Louisiana

367. The Marcottes controlled between ninety and ninety-five percent of the bond market in Gretna, Louisiana in 1993 and 1994. Senate Vol. II at 550:14-18 (Louis Marcotte) (stating “I would probably say 90 percent of the bonds”); Senate Vol. II at 755:02-06 (Goyeneche) (stating Mr. Marcotte had basically begun to monopolize the bail bonding system in Jefferson Parish, was writing 95-plus percent of the \$44 million worth of bail bonds that were being issued in Jefferson Parish”); Senate Vol. V at 1938:05-23 (Rees) (stating that “after being in – in the Gretna area for a while, they pretty much had it monopolized. Q: So you say 90, 95 percent? A: I would say so”); Senate Vol. III at 1256:12-15 (Bodenheimer) (“Q: And were the Marcottes the dominant bonding company in Gretna? A: Oh, very much so. 90 – I wouldn’t - - 90, 95 percent would be my guess”); Senate Vol. III at 890:18-21 (Danos) (stating that “In my opinion, Louis Marcotte had a monopoly on that area”).

368. The standard rate that the Marcottes would receive from a given bond was 10%. The Marcottes would then pay one percent of the overall bond (or ten percent of the amount they had received) to their insurance company. Senate Vol. II at 506:12- 507:13 (Louis Marcotte).

369. Louis Marcotte testified that he would approach and request “most of” the judges to set bonds. Senate Vol. II at 525:06-08 (Louis Marcotte).

370. In general, if the District Attorney’s office objected to the setting, reducing, or splitting of a bond, a judge (including Judge Porteous) would follow the recommendation of the district attorney’s office. Senate Vol. II at 549:18-24 (Louis Marcotte).

371. Between 1984 and 1994, in 24th Judicial District Court of Louisiana, there was no guidebook for judges in regards to how much any given bond should be set for. Louis Marcotte Senate Dep. at 74:04-08)

372. Between 1992 and 1994, in the 24th Judicial District Court of Louisiana, the Marcottes would often go chamber to chamber seeking judges to review, set, or split bonds. *See* Louis Marcotte Senate Dep. at 97:04-07.

Split Bonds

373. Judge Porteous was not the only judge in Gretna that split bonds; in fact, most judges in Gretna split bonds. Senate Vol. II at 557:05-07 (Louis Marcotte); Senate Vol. II at 631:20-22 (Lori Marcotte).

374. Judge Porteous did not invent the concept of splitting bonds. Louis Marcotte Senate Dep. at 64:03-05.

375. Judge Porteous was not the first judge on the 24th Judicial District Court of Louisiana to split bonds. Louis Marcotte Senate Dep. at 64:03-05.

376. A lot of judges thought split bonds were a good idea. Senate Vol. II at 557:12-14 (Louis Marcotte).

377. Split bonds are not illegal. Senate Vol. II at 557:08-09 (Louis Marcotte); Senate Vol. II at 631:17-19 (Lori Marcotte).

378. Split bonds were very common in Gretna in the early to mid 1990s. Senate Vol. II at 557:10-11 (Louis Marcotte).

379. Judges viewed split bonds as a way of dealing efficiently with artificially high bonds. Senate Vol. II at 559:06-09 (Louis Marcotte); Senate Vol. II at 632:21-24 (Lori Marcotte).

380. Former District Attorney John Mamoulides did not see anything wrong with a split bond. Senate Vol. V at 1771:24-1772:08 (Mamoulides) (“Q: We’ve been referring to this as split bonds, both the House and the defense. Do you – did you see anything wrong with split bonds? A: Oh, absolutely not.”).

381. According to Ronald Bodenheimer, “there were 16 judges. All of them used the split bond concept.” Senate Vol. III at 1264:16-19; 1268:05-06 (Bodenheimer).

Bond Setting by Judge Porteous

382. Before setting, reducing, or splitting a bond, it was Judge Porteous’s standard operating procedure to have a member of his staff call the jail and obtain information related to the criminal background of the arrestee. Senate Vol. V at 1832:07-1833:05 (Griffin); Senate Vol. III at 887:09-888:03 (Danos); Senate Vol. II at 559:21-560:11 (Louis Marcotte); Senate Vol. II at 626:09-627:01 (Lori Marcotte).

383. On occasion, Judge Porteous would make these calls to the jail on his own, rather than have the staff perform this duty. Senate Vol. II at 626:17-23 (Lori Marcotte).

384. On occasion, Judge Porteous would also seek out information from a detective, police officer, or prosecutor before he set, reduced, or split a bond. Senate Vol. II at 560:02-08; 590:25-591:04 (Louis Marcotte); Senate Vol. II at 626:13-16; 627:02-05 (Lori Marcotte).

385. As a practice, Judge Porteous would not agree to a bond solely on the basis of the information provided to him by the Marcottes. *See* Lori Marcotte Senate Dep. at 45:23-46:06; *see also* Louis Marcotte Senate Dep. at 72:25-73:22; *see also* House Ex. 74(c).

386. Darcy Griffin served as Judge Porteous's criminal minute clerk between 1992 and 1994 when he became a federal judge, is the current supervisor of criminal clerks in the Jefferson parish court system. Senate Vol. V at 1826:23-1827:09; 1827:24-1828:04 (Griffin).

387. Griffin stated that she never received any cash from Louis or Lori Marcotte, Adam Barnett, or anyone in the bonding business. Senate Vol. V at 1834:23-25; 1835:18-20; 1835:21-1836:02 (Griffin).

388. Griffin stated that her responsibilities for Judge Porteous – regarding locating and confirming information on an arrestee – were the same as those she had for Judge Tiemann and Judge Rothschild who she worked for before and after, respectively, her time with Judge Porteous. Senate Vol. V at 1836:03-1837:08 (Griffin).

389. Louis Marcotte testified that he only asked Judge Porteous to “reduce and set” bonds, as opposed to raising bonds to a higher level. Senate Vol. II at 521:04-18 (Louis Marcotte).

390. Louis Marcotte stated that he would often go to judges other than Judge Porteous in seeking out a judge to set, reduce or split a bond. Senate Vol. II at 557:01-04 (Louis Marcotte).

391. Judge Porteous turned down certain bonds that the Marcottes requested he set or reduce. Senate Vol. II at 559:18-20 (Louis Marcotte); Senate Vol. II at 626:05-08 (Lori Marcotte); Senate Vol. II at 703:05-08 (Wallace); Senate Vol. V at 1833:17-22 (Griffin).

392. On occasion, Judge Porteous rejected the amount of a bond that was requested by the Marcottes and adjusted the figure sought by the Marcottes. (*See* Lori Marcotte Senate Dep. at 52:16-20.)

393. In 1986, more than 3,200 bonds passed through the Gretna courthouse. (Porteous Ex. 2001.) This volume of bonds, prior to the Marcottes being the dominant bonding agency in Gretna, did not “surprise” Louis Marcotte. Senate Vol. II at 550:19-24 (Louis Marcotte).

394. In September 1986, Judge Porteous signed or approved 51 bonds. Porteous Ex. 2002. This volume of bonds signed by Judge Porteous, prior to the Marcottes being the dominant bonding agency in Gretna, did not “surprise” Louis Marcotte. Senate Vol. II at 551:12-15 (Louis Marcotte).

395. In February 1986, Judge Porteous signed or approved 41 bonds. Porteous Ex. 2003. This volume of bonds signed by Judge Porteous, prior to the Marcottes being the dominant bonding agency in Gretna, did not “surprise” Louis Marcotte. Senate Vol. II at 551:23-552:02 (Louis Marcotte).

396. In December 1986, Judge Porteous signed or approved 29 bonds. Porteous Ex. 2004. This volume of bonds signed by Judge Porteous, prior to the Marcottes being the dominant bonding agency in Gretna, did not “surprise” Louis Marcotte. Senate Vol. II at 552:09-12 (Louis Marcotte).

397. Louis Marcotte testified that he would have between 1 and 10 bonds move through the courthouse in a given day in 1993 and 1994. Senate Vol. II at 565:01-05 (Louis Marcotte).

398. Lori Marcotte stated that “29 bonds in a . . . 31 day month . . . is pretty normal.” Senate Vol. II at 612 (Lori Marcotte).

399. Darcy Griffin thought that if Judge Porteous only signed 29 bonds in a single month, that would be “a low number.” Senate Vol. V at 1838:09-12 (Griffin).

400. Available documentary evidence shows that Judge Porteous signed one bond for the Marcottes and Bail Bonds Unlimited on October 27, 1994. Stipulation 152.

401. Available documentary evidence shows that Judge Porteous signed two bonds for the Marcottes and Bail Bonds Unlimited in his last week as a state court Judge. Stipulation 153.

402. Available documentary evidence shows that Judge Porteous signed twenty-nine bonds for the Marcottes and Bail Bonds Unlimited during the month of October 1994 (his last month on the state bench) as a state court Judge. Stipulation 154.

403. Available documentary evidence shows that Judge Porteous signed twenty-seven bonds for the Marcottes and Bail Bonds Unlimited between the date of his confirmation for his federal judgeship (October 7, 1994) and the last day for which he served as a state court judge (October 27, 1994). Stipulation 155.

Things of Value Allegedly Provided to Judge Porteous by the Marcottes

Lunches

404. Louis Marcotte believed that he began having lunch with Judge Porteous in 1994 or 1995. Senate Vol. II at 513:07-10; 564:17-21 (Louis Marcotte).

405. When Judge Porteous did have lunch with Louis Marcotte, Judge Porteous rarely, if ever, had lunch with just Louis Marcotte. “Most of the time,” lunches with Judge Porteous included a large group of people. Senate Vol. II at 510:16-23 (Louis Marcotte); Senate Vol. II at 635:20-25 (Lori Marcotte).

406. Jeff Duhon testified that lunches could include up to “10, 12” people. Senate Vol. II at 663:23-25 (Duhon).

407. The lunches Louis Marcotte had with Judge Porteous were in the open and in public restaurants. Neither the Marcottes nor Judge Porteous attempted to, or did, hide the fact that they were dining together. Senate Vol. II at 562:24-563:14; 588:15-23 (Louis Marcotte); Stipulation 165.

408. At the lunches with Judge Porteous, the conversation tended to focus on non-work related matters. In fact, Lori Marcotte thought it was rude to speak about bonds while at lunch. Senate Vol. II at 636:01-16 (Lori Marcotte).

409. Darcy Griffin stated that she was unaware of the Marcottes ever raising bond issues at the lunches she attended with the Marcottes. Senate Vol. V at 1834:12-17 (Griffin). She also stated that, for those lunches she attended with the Marcottes, she did not recall Judge Porteous coming often. Senate Vol. V at 1842:24-1843:03 (Griffin).

410. Once Judge Porteous became a federal judge, Louis Marcotte estimated that they only had lunch together between five and eight times. Louis Marcotte Senate Dep. at 105:16-20

411. Documentary evidence suggests that Judge Porteous, while he was on the Federal bench, attended the following lunches with the Marcottes, which they paid for:

- On August 6, 1997, there was a lunch at the Beef Connection. The bill amounted to \$287.03. There were five attendees.

- On August 25, 1997, there was a lunch at the Beef Connection. The bill amounted to \$352.43. There were ten attendees.
- On November 19, 1997, there was a lunch at the Beef Connection. The bill amounted to \$395.77. There were ten attendees.
- On August 5, 1998, there was a lunch at the Beef Connection. The bill amounted to \$268.84. There were nine attendees.
- On February 1, 2000, there was a lunch at the Beef Connection. The bill amounted to \$328.94. There were eight attendees.
- On November 7, 2001, there was a lunch at the Beef Connection. The bill amounted to \$635.85. There were fourteen attendees.

Stipulation 164; *see also* House Exs. 372 (a)-(d), 373(c)-(d); Porteous Demonstrative on Beef Connection Receipts.

412. Under applicable Louisiana ethical rules now in place, but which were non-existent in 1994, when determining how much of a specific meal should be attributable to a certain individual, the total costs are to be divided by the total number of attendees. Senate Vol. IV at 1648:08-22 (Ciolino); *see also* Porteous Ex. 1001(y).

413. A per person share of these lunches breaks down as follows: August 6, 1997 = \$57 per person; August 25, 1997 = \$35 per person; November 19, 1997 = \$39 per person; August 5, 1998 = \$29 per person; February 1, 2000 = \$41 per person; November 7, 2001 = \$45 per person. House Exs. 372 (a)-(d), 373(c)-(d); Porteous Demonstrative on Beef Connection Receipts.

414. Even assuming that Judge Porteous attended all six of these lunches, the total per person share attributable to him amounted to less than \$250.00 over the course of four years. House Exs. 372 (a)-(d), 373(c)-(d); Porteous Demonstrative on Beef Connection Receipts

415. The only evidence that Judge Porteous even attended four of the six lunches the House alleges Judge Porteous attended while a Federal Judge is that the lunch bill includes a reference to “Abs” or “Abso” which the House believes references an order for Absolut vodka – a drink Judge Porteous is claimed to favor.

416. The House has not adduced any evidence of any other specific attendees at these lunches. *See generally* Senate Vols. I-V.

417. All but one of the Beef Connection lunches for which the House has provided receipts would comply with current Louisiana judicial ethics rules. Senate Vol. IV at 1649:23-1651:07 (Ciolino).

418. Only the August 6, 1997 meal would violate the current ethics rules, because the cost was \$57 per person when the limit is \$50. Senate Vol. IV at 1651:09-14 (Ciolino).

419. On or about March 11, 2002, Judge Porteous joined a group of people at Emeril’s Restaurant, in New Orleans, Louisiana, after the meal portion of the lunch had concluded. The group included the Marcottes, newly elected state judge Joan Bengé, and state judge Ronald Bodenheimer. Stipulation 166.

420. Judge Porteous did not actually eat lunch at the Emeril’s lunch. Senate Vol. II at 588:24-589:02 (Louis Marcotte).

421. Lori Marcotte testified that Bail Bonds Unlimited took Justice of the Peace Kerner out to lunch with Judge Porteous. Senate Vol. II at 612:11-21 (Lori Marcotte). The House did not establish the date of this lunch.

422. Lori Marcotte testified that Bail Bonds Unlimited paid for a lunch, at Ruth Chris's Steakhouse that then-Senator John Breaux attended, along with Judge Porteous. Bail Bonds Unlimited then paid for a limousine to take Senator John Breaux and others to a casino. Senate Vol. II at 640:24-20 (Lori Marcotte).

423. Lori Marcotte testified that at the time of the Breaux lunch, there was "very important" federal legislation pending regarding bail bonds and the Marcottes' industry. Lori Marcotte Senate Dep. at 132:22-133:06.

424. Lori Marcotte testified that Senator Breaux was "important" to the Marcottes in relation to the legislation. Lori Marcotte Senate Dep. at 133:07-10. Marcotte further stated that they paid for the lunch and the limousine in an effort to get Breaux to come to the lunch. Lori Marcotte Senate Dep. at 133:22-134:07.

Car Repairs

425. The Marcottes and their employees never performed or paid for any car repairs for Judge Porteous while he was a federal judge. Senate Vol. II at 571:08-12 (Louis Marcotte).

426. On occasion, Louis Marcotte offered to assist Judge Porteous in having his automobiles repaired. Senate Vol. II at 516:04-10 (Louis Marcotte) (stating "Like if we would be at lunch, he would say Tommy's car is broke, and I would say judge, I will take care [of] it")

427. Neither the House nor the Marcottes nor any other witness has any records relating to any of the car repairs they allege they paid for on behalf of Judge Porteous. Senate Vol. II at 570:22-571:02 (Louis Marcotte); Stipulation 158.

428. Jeff Duhon stated he was not sure how often he took care of Judge Porteous's cars but that it was only "once in a while." Senate Vol. II at 655:23-25 (Duhon) ("Q: How often

would you have to take care of Judge Porteous's vehicles, say, on a monthly basis? A: Once in while . . . Exactly I don't know how many times.")

429. Jeff Duhon testified that he only performed services for Judge Porteous once he became a bail bondsmen. Senate Vol. II at 657:03-09 (Duhon) ("Q: Well, tell me, did you – did you ever perform any services for Judge Porteous prior to becoming bail bondsmen? A: Prior – once I became a bail bondsman, yeah, I did a couple of things for him. Q: Once you became a bail bondsmen? A: Yes sir.")

430. Aubrey Wallace testified that "On some occasion I would go to the Courthouse and I would receive his automobile to take it to detail it." Senate Vol. II at 682:14-19 (Wallace). Wallace never did any service on the car himself – he would simply bring it to a mechanic's shop. Senate Vol. II at 684:19-15 (Wallace). Wallace testified that Marcotte paid the bill for the car repairs. Senate Vol. II at 685:16-18 (Wallace).

431. Wallace did not know whether Judge Porteous ever reimbursed the Marcottes or others for costs related to car maintenance. Senate Vol. II at 702:19-21 (Wallace).

432. Wallace stated that the cleaning and gassing up of Judge Porteous's cars only last approximately 6-8 months. Senate Vol. II at 705:06-09 (Wallace).

Home Repairs

433. The Marcottes and their employees never performed any home repairs for Judge Porteous while he was a federal judge. Senate Vol. II at 569:10-13; 570:17-21 (Louis Marcotte); Senate Vol. II at 640:16-23 Lori Marcotte); Senate Vol. II at 706:05-07 (Wallace).

434. Louis Marcotte stated that he volunteered the assistance of his employees to help Judge Porteous repair his fence. Senate Vol. II at 569:06-09 (Louis Marcotte).

435. Lori Marcotte testified that Judge Porteous never asked her to send someone over to do any home repairs. Senate Vol. II at 640:12-15 (Lori Marcotte).

436. When Jeff Duhon began working for Louis Marcotte, part of his duties were remodeling and construction work. Senate Vol. II at 655:23-25 (Duhon).

437. The Marcottes do not have any records or documentation regarding any home repairs allegedly provided by the Marcottes or Bail Bonds Unlimited to Judge Porteous while he was a state judge. Stipulation 156.

438. The Marcottes did not personally observe work performed on Judge Porteous's fence. Stipulation 157.

439. Louis Marcotte has no recollection of who paid for the home repairs and how the materials for the home repairs were paid for. Senate Vol. II at 569:20-570:16 (Louis Marcotte).

440. Jeff Duhon testified that he also "fixed a fence for [Judge Porteous] one time." Senate Vol. II at 659:10-12 (Duhon).

441. Jeff Duhon has no records of the expenses associated with the alleged fence repairs. Senate Vol. II at 6678:11-14 (Duhon).

442. Wallace testified that he and Duhon went to Judge Porteous's residence, dismantled a wooden fence, and built a new fence. He stated that materials were paid for with the Marcotte corporate credit card. Senate Vol. II at 686:12-17 (Wallace).

443. The alleged home repairs occurred when Judge Porteous was a state judge. Senate Vol. II at 706:01-04 (Wallace).

444. Louis Marcotte testified that he and his sister were often concerned that his employees (Jeff Duhon and Aubrey Wallace) assigned to perform construction work, were, in fact, doing the work assigned to them and that he was concerned that they would fail to do the

work assigned because they were known to use illegal narcotics while on the job. Senate Vol. II at 568:07-23 (Louis Marcotte).

Parking Lot

445. The Marcottes never provided a reserved parking spot to Michael Porteous. *See* Lori Marcotte Senate Dep. at 77:17-78:23.

446. The Marcottes never subsidized or provided a reserved parking spot to Michael Porteous that would have otherwise generated revenue for the Marcottes. Lori Marcotte Senate Dep. at 77:17-78:23.

447. The parking lot utilized by the Marcottes near the Gretna courthouse in the mid 1990s did not require anyone who parked there to pay a daily fee. Lori Marcotte Senate Dep. at 77:17-78:23.

448. Occasionally, strangers would park in the parking lot and the Marcottes did not actively monitor its use. (*See* Lori Marcotte Senate Dep. at 78:01-08.)

Las Vegas Trip(s)

449. The only evidence produced by the House of any trip that Judge Porteous went on with Louis Marcotte was the testimony of Louis and Lori Marcotte. *See generally* Senate Vols. I-V.

450. Louis Marcotte stated that he didn't "know exactly" the date of the trip but that Phillip O'Neill, Bruce Netterville, and Judge George Giacobbe went on the trip. Louis Marcotte stated that he, Netterville, and O'Neill paid for Porteous's travel expenses related to the trip but the House did not introduce any documentary evidence details related to those expenses. Senate Vol. II at 518:21-520:05 (Louis Marcotte).

451. The House did not call Bruce Netterville, Philip O'Neill, or George Giacobbe to substantiate Marcotte's testimony. *See generally* Senate Vols. I-V.

452. Lori Marcotte was also unclear about the date of the Las Vegas trip that Judge Porteous allegedly attended. Senate Vol. II at 610:18-22 (Lori Marcotte).

453. Louis Marcotte stated that, in relation to the trip in which Netterville, Giacobbe, and he attended along with Porteous in 1993 or 1994, he didn't know whether Judge Porteous spoke at a bail bonds convention during that trip. Senate Vol. II at 571:13-572:08 (Louis Marcotte).

454. Marcotte invited Netterville on the Las Vegas trip because Netterville was his friend, as opposed to inviting him to make it "look better." Senate Vol. II at 572:25-573:14 (Louis Marcotte). In fact, Marcotte had served as Netterville's best man at Netterville's wedding. Senate Vol. II at 572:14-16 (Louis Marcotte).

455. Marcotte never gave Judge Porteous any cash on any trip to Las Vegas and never saw anyone else give Judge Porteous any cash on any trip to Las Vegas. Senate Vol. II at 573:20-25 (Louis Marcotte).

456. Lori Marcotte has never traveled to Las Vegas with Judge Porteous. Senate Vol. II at 617:17-19 (Lori Marcotte).

457. When she was first invited to Las Vegas by the Marcottes, Rhonda Danos asked Judge Porteous whether it was "okay" that she traveled to Las Vegas with the Marcottes but did not explain that the Marcottes were paying for her trip. Senate Vol. III at 890:22-891:04; 896:02-04 (Danos). ("Q: Did you ask the judge if it was okay if the Marcottes paid for your trip to Las Vegas? A; No, I don't think I asked him that.")

Alleged Official Actions as State Judge

Jeff Duhon Expungement

458. On June 15, 1976, Jeff Duhon was arrested in Case No. 76-1505. Porteous Ex. 2006. Jeff Duhon was 18 years old at the time of the arrest. Senate Vol. II at 669:08-10 (Duhon).

459. On or about September 15-24, 1976, Duhon was arrested for simple burglary. (Porteous Ex. 2006.) Jeff Duhon was 18 years old at the time of the arrest. Senate Vol. II at 669:08-10 (Duhon).

460. Duhon pled guilty to the charge of simple burglary, served no jail time, and was sentenced to “light” probation that consisted only of Duhon filling “out a form once a month and sen[ding] it to [his] probations officer.” Senate Vol. II at 669:01-670:03 (Duhon).

461. On November 13, 1991, Attorney Philip O’Neill submitted a “Motion to Set Aside a Conviction and Dismiss Prosecution” for case No. 76-1505. Porteous Ex. 2006.

462. O’Neill also filed a Motion to Expunge Record of Arrest” for Case No. 76-1505 on the same date. Porteous Ex. 2006.

463. Judge E.V. Richards scheduled a show cause hearing for November 14, 1991, regarding Duhon’s Motion to Set Aside his Conviction in Case No. 76-1505. Porteous Ex. 2006.

464. On July 22, 1992, Judge E.V. Richards issued an expungement order in Case No. 76-1505, directing various agencies to expunge and destroy records of arrest related to Jeff Duhon’s arrest. Porteous Ex. 2006.

465. Duhon testified that he had “no idea” about the previous expungement and had “never seen none of this paperwork.” Senate Vol. II at 6674:07-14 (Duhon).

466. In June 1993, Attorney Wayne Walker filed a “Motion to Set Aside Conviction and Dismiss Prosecution” in Case No. 76-770. House Ex. 77(c). The Motion stated that Duhon

had successfully completed his period of probation, had not been convicted of any other criminal offense and has no criminal charges pending. *Id.* The Motion was filed in Division B – assigned to Judge E.V. Richards. *Id.*

467. On June 16, 1993, Judge E.V. Richards entered a show cause order in Case No. 76-770 and set a hearing for June 17, 1993. House Ex. 77(c).

468. On either June 17 or 18, 1993, Judge E.V. Richards signed an Order, in Case No. 76-770, setting aside Jeff Duhon's conviction. House Ex. 77(c).

469. Louis Marcotte falsely testified that Judge Porteous "set aside" Jeff Duhon's burglary conviction. Senate Vol. II at 529:20-530:01 (Louis Marcotte) ("Marcotte: But at some point, he set aside the conviction -- Q: Judge Porteous did? A: Yes, he did and he expunged the record") Marcotte later testified that he was unaware that Judge Richards was actually the Judge who had set aside Duhon's conviction. Senate Vol. II at 577:09-11 (Louis Marcotte).

470. The first time Jeff Duhon saw the order setting aside his conviction was during the Senate evidentiary hearings. Senate Vol. II at 672:11-13 (Duhon).

471. In July 1993, Attorney Wayne Walker filed a Motion for Expungement in Case No. 76-770. House Ex. 77(a).

472. On or about July 29, 1993, Judge Porteous ordered the expungement of Jeffrey Duhon's burglary conviction. Stipulation 148.

473. At the time of Judge Porteous's order, Duhon was 35 years old. Senate Vol. II at 678:03-06 (Duhon).

474. Judge Porteous's order for expungement largely tracked Judge E.V. Richards prior order expunging Duhon's record. House Ex. 77(b) & Porteous Ex. 2006.

475. Jeff Duhon has no knowledge whether Judge Porteous and Judge Richards spoke about his expungement. Senate Vol. II at 678:25-679:04 (Duhon).

476. Jeff Duhon wasn't even aware that Judge Porteous signed the expungement order. Senate Vol. II at 679:05-09 (Duhon). (Q: And are you aware of the fact that Judge Porteous signed the expungement of your record? A: No sir. Q: You're not aware of that? A: No, I didn't see none of the paperwork").

477. Louis Marcotte was not definitive in stating that Judge Porteous expunged Duhon's record at the request of Marcotte. Senate Vol. II at 530:08-10 (Louis Marcotte) ("Q: How certain are you that Judge Porteous expunged Jeff Duhon's record at your request? A: Well, I was able to get him a bail license").

478. According to Louis Marcotte, expungements are "routine" in Gretna. Senate Vol. II at 579:08-10 (Louis Marcotte).

479. In Louis Marcotte's experience, if the District Attorney's office objected to an expungement, judges in Gretna (including Judge Porteous) would deny the request for the expungement. Senate Vol. II at 549:25-526:07 (Louis Marcotte).

480. John Mamoulides stated that there was nothing wrong with a judge signing an order relating to a case in a different division because "all of the district judges were technically the same in authority." Senate Vol. V at 1790:13-16 (Mamoulides).

481. The House has not produced any evidence suggesting Judge Porteous's actions regarding expunging Duhon's record were inappropriate. *See generally* Senate Vols. I-V.

482. The House did not call Judge E.V. Richards, Wayne Walker, Philip O'Neill, any expert, or other witness who testified that Judge Porteous took any improper action in relation to Duhon's expungement. *See generally* Senate Vols. I-V.

Aubrey Wallace Amended Sentence and Set Aside

483. On December 15, 1988, Aubrey Wallace was arrested for possession of illegal narcotics. *See* House Ex. 81; *see also* Porteous Wallace Demonstrative. Wallace did not plead guilty to this offense until February 26, 1991, more than two years later. *See* House Ex. 81; *see also* Porteous Wallace Demonstrative.

484. On May 5, 1989, almost six months after he had been arrested for the possession of illegal narcotics, Wallace was arrested for simple burglary. (*See* House Ex. 69(d), PORT 610-627; *see also* Porteous Wallace Demonstrative.

485. The burglary case was initially assigned to Judge Porteous at the time of the arrest. House Ex. 82.

486. Attorney Joseph Tosh represented Wallace at his plea hearing on the burglary charge. *See* House Ex. 69(d), PORT 610-627.

487. On June 26, 1989, sixteen months before he pleaded guilty to the drug possession charges, Wallace pleaded guilty to simple burglary. *See* House Ex. 69(d), PORT 610-627; *see also* Porteous Wallace Demonstrative. On that same day, Judge Porteous sentenced Wallace to three years of hard labor which was suspended, and two years of probation. *See* House Ex. 69(d), PORT 610-627.

488. On February 26, 1991, Wallace pleaded guilty to felony drug charges and began serving a five year jail sentence. (*See* House Ex. 81; *see also* Porteous Wallace Demonstrative.)

489. Wallace was incarcerated between February 1991 and August 1993. (*See* House Ex. 81; *see also* Porteous Wallace Demonstrative.

490. Attorney Robert Rees did not represent or assist Wallace in relation to the drug charges. Senate Vol. V at 1943:09-10 (Rees).

491. On December 11, 1991, Judge Porteous, upon the request of the probation officer, terminated Wallace's probation for the burglary charge on the grounds that he cannot complete his probation satisfactorily. *See* House Ex. 81; *see also* Porteous Wallace Demonstrative.

492. Robert Rees is an attorney who has practiced in Louisiana since 1985. Rees is a former Lafayette City policeman and former Assistant District Attorney in the 22nd Judicial District of Louisiana. Senate Vol. V at 1937:08-21 (Rees).

493. Between 1991 and 1997, Rees practiced in the 24th Judicial District Court. Senate Vol. V at 1938:24-1939:04 (Rees).

494. In 1994, Rees was serving as a criminal defense attorney and his practice was focused "100%" on state criminal work. Senate Vol. V at 1938:05-23 (Rees).

495. Attorney Robert Rees testified that if Judge Porteous suspended Wallace's sentence and sentenced him to a term of probation, that Article 893 necessarily applied. "He just didn't use the words 893." Senate Vol. V at 1976:21-25 (Rees).

496. On August 8, 1993, Wallace was released from jail. *See* House Ex. 81; *see also* Porteous Wallace Demonstrative.

497. On August 25, 1994, Judge Porteous was nominated by president Clinton to be a United States District Court Judge for the Eastern District of Louisiana. Stipulation 12.

498. Wallace stated that he formed a "desire" to become an agent and he "certainly" "wanted it [a bail bonds license] myself." Senate Vol. II at 689:15-19 (Wallace). ("Q: So he wanted you get a bail bondsman license also? A: Yes. I wanted it myself.")

499. Wallace admitted that his attorney explained that, because he had two totally separate convictions, there was a conflict in terms of Mr. Wallace's probation and sentences. Senate Vol. II at 700:16-19 (Wallace).

500. While Louis Marcotte initially asked Rees to assist Aubrey Wallace in having his sentence amended but then Aubrey Wallace personally contacted Rees to assist him – in which he estimated “several times after that until the motion got filed.” Senate Vol. V at 1940:25-1941:16 (Rees); Senate Vol. II at 702:13-18 (Wallace).

501. Wallace never had any direct conversations with Judge Porteous about his burglary conviction, the motion to amend, and the motion to set aside. Senate Vol. II at 702:19-21; 713:14-16 (Wallace).

502. On September 20, 1994, Attorney Robert Rees filed a motion to amend Aubrey Wallace’s sentence related to the simple burglary conviction. Rees believed he had case law to support his request. *See* House Ex. 82; Senate Vol. V at 1942:03-05 (Rees).

503. According to Rees, “Article 893 of the Code of Criminal procedure provides that upon satisfactory completion of [a] probation period, it serves as an acquittal and the conviction can be set aside, which would then allow you to use the expungement statute to remove the [arrest] from your record.” Senate Vol. V at 1949:19-1950:01 (Rees).

504. Rees explained that the problem with Wallace’s case was that Wallace “had two pending charges in the same jurisdiction . . . The probations shouldn’t have been terminated. . . The Judge had to go back and undo the unsatisfactory termination of the probation . . . because it was based on the prior arrest, which was not grounds to revoke the probation that Judge Porteous had placed him on” Senate Vol. V at 1957:18-1959:-02 (Rees).

505. Rees stated that original termination of Wallace’s probation was an “incorrect” action. Senate Vol. V at 1959:03-11 (Rees). Further, because it was incorrect, Rees stated that the Judge “would have to go back and fix it.” Senate Vol. V at 1960:15-20 (Rees).

506. Motions to amend are not uncommon. In fact, during his testimony, Rees stated that he was handling a motion to amend a sentence currently. Senate Vol. V at 1950:08-11 (Rees).

507. Rees stated that he dictated the motion to amend the sentence, signed it, and filed it. Senate Vol. V at 1945:01-15 (Rees). Rees stated that the “reason for the brevity of the motion was that “it didn’t have to contain anything else.” Senate Vol. V at 1975:13-21 (Rees). Rees further stated that motions like this tend to be brief because the record accompanies the motion. Senate Vol. V at 1992:17-24 (Rees).

508. As was the standard, Rees filed two copies of the motion on September 20, 1994, one of the copies was to serve as a courtesy copy to be delivered to the District Attorney’s Office. *See* House Ex. 82; Senate Vol. V at 1945:16-1947:03 (Rees).

509. In filing his motion, Rees did not ask for a contradictory hearing, but Judge Porteous set it for one nonetheless. *See* House Ex. 82; Senate Vol. V at 1948:03-20 (Rees).

510. According to Rees, the purpose of the contradictory hearing was to give the district attorney’s office an opportunity to object to the motion. Senate Vol. V at 1948:21-24 (Rees). Reese stated that the 1994 version of Code Section 881 did not require the Court to hold a contradictory hearing. Senate Vol. V at 1953:05-10 (Rees).

511. On or about September 21, 1994, Judge Porteous held a hearing at which he ordered that Aubrey Wallace’s court records in *State of Louisiana v. Aubrey N. Wallace*, No. 89-2360 (24th Jud. Dist. Ct., Jeff. Par., La.) be amended to include removal of the unsatisfactory completion of probation and the entering of the guilty plea under Code of Criminal procedure 893. Stipulation 149.

512. Bruce Netterville stood in for Rees at the September 21, 1994 hearing; Rees stated that it was not uncommon for someone else to cover a hearing if you were going to be unable to make it. Senate Vol. V at 1951:20-25 (Rees).

513. During the hearing, Judge Porteous stated that “if you want further relief, then file a petition to enforce 893 and then I’ll execute that also.” (House Ex. 246.)

514. Michael Reynolds represented the state during the motion to amend Wallace’s sentence. (*See* House 69(b), PORT 620.) Reynolds raised no objection to the motion or to the Judge’s actions. (*See* House 69(b), PORT 620-24.)

515. Rees, stated that as a former Assistant District Attorney, if Reynolds had objected to the motions regarding Wallace’s prior convictions, he should have taken it “up his chain of command, go to a supervisor, or even vice it to the judge.” Senate Vol. V at 1964:03-07 (Rees).

516. Rees and Reynolds were former law school classmates and friends. Senate Vol. V at 1940:06-11 (Rees).

517. Rees stated that it “was routine for the assistant DA and the lawyer to meet in chambers prior to going into the Courtroom.” Senate Vol. V at 1993:11-17 (Rees).

518. Rees is not aware of Assistant District Attorney Mike Reynolds raising any objection to the motion to amend Wallace’s sentence before or at the hearing or outside of the hearing. Senate Vol. V at 1963:04-24 (Rees).

519. District Attorney John Mamoulides, who was Reynolds’s superior at the time, stated that if Reynolds had concerns regarding Wallace’s motion to amend his sentence or to set aside his conviction, “if he was in a hearing, that’s when he could voice his objection into the record.” Senate Vol. V at 1788:16-21 (Mamoulides).

520. Mamoulides definitively stated that had Reynolds come to him with concerns about the Wallace amended sentence and set aside, he would “absolutely not” have been punished Reynolds – “nobody would get punished for that. He would give his opinion and why he was doing it.” Senate Vol. V at 1789:11-1790:03 (Mamoulides). Mamoulides stated that if “the reason the judge was setting aside a conviction was to do a favor for a bail bondsmen . . . it was improper . . . [and] we would investigate or we would call for an investigation or something of that nature. Senate Vol. V at 1819:24-1820:13 (Mamoulides).

521. Mamoulides stated that “if a sentence was erroneously set originally and they recognize it, it could be brought up to be a set aside or resentenced with the discretion of the Court. Senate Vol. V at 1812:08-17 (Mamoulides). As an example of such a sentence Mamoulides stated that if a judge sentenced a convict on armed robbery charges to ten years without the benefit of parole or probation, the prosecutors office would ask him to “amend the sentence and put the right thing in.” Senate Vol. V at 1824:20-1825:09 (Mamoulides).

522. On or about September 22, 1994, Judge Porteous signed a written Order that stated: “IT IS ORDERED that the sentence on Aubrey WALLACE is hereby amended to include the following wording, ‘the defendant pled under Article 893.’” Stipulation 150.

523. On October 14, 1994, Judge Porteous entered an order setting aside Aubrey Wallace’s burglary conviction in State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.). Stipulation 151.

524. At the October 14, 1994 hearing, Rees specifically put comments on the record because he was seeking to orally move to invoke 893. Senate Vol. V at 1965:04-13 (Rees).

525. Michael Reynolds represented the state during the October 14, 1994 hearing and made no objections. (*See* House 69(b), PORT 625-629.)

526. According to Rees, Reynolds raised no objections at the October 14, 1994 hearing inside or outside of Court. Senate Vol. V at 1965:20-1966:03 (Rees).

527. In Rees's experience, once a judge has amended a sentence, there wasn't any doubt that that he intended to enforce 893. Senate Vol. V at 1962:11-14 (Rees).

528. Rees considered the second step of enforcing the 893 as "more of an administrative step." Senate Vol. V at 1962:18-1963:03 (Rees).

529. Judge Porteous did not expunge Aubrey Wallace's burglary conviction.

530. Even if Wallace's burglary conviction had been expunged, he would still not be eligible to serve as a bail bondsmen, because of his drug conviction. Senate Vol. II at 691:24-692:07 (Wallace).

531. Rees says he probably only spent "30 minutes, if that" on the matter. Senate Vol. V at 1967:10-14 (Rees).

532. Rees did not get paid by either the Marcottes and/or Wallace for this work and viewed his time on the matter as a "small administrative task that he did for one of [his] regular clients." Senate Vol. V at 1968:05-18 (Rees).

533. Rees does not believe that the motion he filed, and which was granted by the Court, was improper in any way. Senate Vol. V at 1971:19-22 (Rees).

534. Further, Rees, based on his experience as a seasoned Louisiana criminal defense attorney, does not believe that Judge Porteous's actions in amending the sentence and then setting aside the conviction were incorrect legal rulings. Senate Vol. V at 1971:23-1972:04 (Rees). In fact, Rees stated that they were well within his realm of jurisdiction to do that. *Id.*

535. The House did not call any witness to contest Rees's testimony that Wallace's original sentence was necessarily pursuant to Section 893 or to show that Judge Porteous's order

amending Wallace's sentence or setting aside the conviction was legally improper. *See generally* Senate Vols. I-V.

536. When asked repeatedly by House counsel whether he felt he deserved the amended sentence and the set aside, Wallace replied that "I just think I was shown some compassion." Senate Vol. II at 692:24-693:13 (Wallace).

537. Wallace stated that, since his conviction was amended and set aside, he has seen Judge Porteous on occasion, and that he could tell Judge Porteous viewed Wallace with "a sense of pride." Senate Vol. II at 709:18-23 (Wallace).

Testimony of Rafael Goyeneche

538. Rafael Goyeneche is the President of the Metropolitan Crime Commission. Senate Vol. II at 702:19-21 (Goyeneche).

539. The Metropolitan Crime Commission does not have subpoena power or the ability to force citizens or state officials to speak to the Metropolitan Crime Commission. Senate Vol. II at 739:06-10 (Goyeneche).

540. Goyeneche claims that in 1994, the Metropolitan Crime Commission received an allegation from Assistant District Attorney Michael Reynolds, related to Judge Porteous. Senate Vol. II at 719:06-14 (Goyeneche).

541. Reynolds would later give up his law license after three separate arrests, including an arrest involving the swapping of license plates. *In re Reynolds*, 3 So. 3d 457 (La. 2009); *In re Reynolds*, No. 2009-B-0216, 2009 La. LEXIS 2003 (La. Mar. 6, 2009); *In re Reynolds*, 956 So. 2d 575 (La. 2007); Police Reports, St. Tammany Arrests, Times-Picayune (June 5, 2004); *State of Louisiana v. Michael J. Reynolds*, No. 2007 KA 1284, 2007 WL 4480641 (La. Ct. App. 1 Cir.

Dec. 21, 2007); Louisiana Bar Journal, Volume 57, Number 1 (June/July 2009) (Discipline pages 42-43).

542. Goyeneche claims that Reynolds first told the Metropolitan Crime Commission about the allegations in early October 1994. Senate Vol. II at 726:24-727:04 (Goyeneche).

543. Goyeneche stated that he and Metropolitan Crime Commission Vice President Anthony Radosti interviewed Judge Porteous in November 1994. Senate Vol. II at 727:06-12 (Goyeneche).

544. Goyeneche testified that that Anthony Radosti drafted the summary of the interview and that Goyeneche would have reviewed and edited the document. Senate Vol. II at 728:19-730:04 (Goyeneche).

545. Goyeneche testified that the summary of the interview, prepared by Radosti, “fairly and accurately” represented the interview the Metropolitan Crime Commission conducted of Judge Porteous. Senate Vol. II at 730:12-15 (Goyeneche).

546. Goyeneche stated that it was “the opinion of the crime commission that Article 881 was not followed by the judge.” Senate Vol. II at 734:13-735: 02 (Goyeneche).

547. In his testimony, Goyeneche stated that his interview with Judge Porteous lasted “about 35 minutes.” Senate Vol. II at 736:22-23 (Goyeneche).

548. In a June 25, 2006 Times-Picayune Article, Goyeneche was quoted as saying that he and Radosti did not even have “a chance to sit down before the conversation was over.” Porteous Ex. 1033.

549. In his testimony, Goyeneche admitted that during his interview of Judge Porteous, he discussed with the judge a number of topics, including the Wallace set-aside, lunch with the Marcottes, and various state statutes. Senate Vol. II at 742:13-17 (Goyeneche).

550. Goyeneche was also quoted in the article as saying that Judge Porteous told Goyeneche and Radosti that “I don’t have to explain anything to you. I’m a federal judge.” (Porteous Ex. 1033.) During his testimony, Goyeneche recalled making that statement to the press but, upon cross-examination, admitted that Judge Porteous had never made that statement and that he had given a false statement to the press. Senate Vol. II at 741:09-12; 743:07-23 (Goyeneche).

551. The Metropolitan Crime Commission claims that it is a privately funded non-governmental organization and advertises itself as such on its website. Senate Vol. II at 739:03-05; 748:24-749:24 (Goyeneche). Yet, as Goyeneche admitted, the Metropolitan Crime Commission received a half-million dollars in federal appropriations as recently as 2010. Senate Vol. II at 749:16-24 (Goyeneche).

552. Goyeneche admitted that during his interview of Judge Porteous, when asking Judge Porteous about trips to Las Vegas, that he failed to identify which Las Vegas trips he was asking about and that he was unaware that Judge Porteous had been a speaker at certain bail bonds conventions in Las Vegas, where his travel expenses had been paid for by Bail bonds Association. Senate Vol. II at 744:15-746:07 (Goyeneche).

553. Goyeneche admitted that the Metropolitan Crime Commission pays confidential informants for the provision of information. Goyeneche stated that, in relation to public corruption cases, they have publicly stated that they would pay up to \$100,000.00. Senate Vol. II at 747:13-748:19 (Goyeneche).

554. In response to a question from Senator Kaufman about why the Metropolitan Crime Commission conducted the interview with Judge Porteous, even after he became a federal judge, Goyeneche actually argued that “we weren’t aware that he had been confirmed” as a

federal judge. Senate Vol. II at 754:12-19 (Goyeneche). Yet, Goyeneche had previously testified that the interview was conducted at the federal Courthouse, clearly putting Goyeneche on notice that Judge Porteous had been confirmed. Senate Vol. II at 727:06-12 (Goyeneche).

Professor Charles Geyh

555. Professor Charles Geyh assumed all evidence as alleged by the House as true in rendering his opinion. Senate Vol. III at 833:02-22 (Geyh). Geyh testified that he did not watch or observe any of the testimony provided during the evidentiary proceedings. Senate Vol. III at 833:23-834:11 (Geyh).

556. Geyh admitted he was not an expert on Louisiana legal ethics and that before he rendered his expert testimony and was not a member of the Louisiana bar, and that he had not read any Louisiana judicial misconduct opinions. Senate Vol. III at 836:05-837:11 (Geyh).

557. Geyh further stated that he had not reviewed any material from the Louisiana Judiciary Commission. Senate Vol. III at 837:19-25 (Geyh).

558. While citing the Duhon matter as unethical, Geyh admitted that he was unaware that Judge Richards had set aside Jeff Duhon's conviction. Senate Vol. III at 834:17-20 (Geyh).

559. Geyh admitted that he had never read the relevant statutes, La. Code Sections 881 and 893, before he rendered his opinion. Senate Vol. III at 834:21-835:07 (Geyh).

560. Geyh stated that he was not even aware that Judge Porteous had already been sanctioned by the Fifth Circuit through a suspension from hearing cases. Senate Vol. III at 839:09-13 (Geyh). ("Q: And, in fact, Judge Porteous was suspended; correct? A: I'm un – I mean, I don't know. Q: Okay. A: That could be. I mean, I don't know.")

561. Geyh stated that “as an ethical matter, it’s pretty well understood that if a judge misbehaves in a prior judicial office or in private practice that that can, indeed, bear on his discipline now.” Senate Vol. III at 862:21-863:10 (Geyh).

Alleged Use of Power and Prestige of Office

562. Louis Marcotte testified that once Judge Porteous took the federal bench, Marcotte requested Judge Porteous’s assistance in convincing Federal Magistrate Judge Louis Moore to utilize commercial bonds. Senate Vol. II at 537:01-538:12 (Louis Marcotte). Marcotte expressed no knowledge of Porteous taking any action in response to this request and expressed doubt that Judge Porteous did, in fact, take any action in response to this request. *Id.* (Marcotte stating “He told me he went to [Moore] but did he really, I don’t know.”)

563. Louis Marcotte stated that he had no first hand knowledge of Judge Porteous ever having talked to Judge Ronald Bodenheimer. Senate Vol. II at 539:13-15 (Louis Marcotte). (“Q: To your knowledge, did Judge Porteous say anything on your behalf to Judge Bodenheimer? A: I think he did, or he told me he did.”)

564. Bodenheimer stated that it was well known that Bodenheimer had prosecuted bondsmen when he was an assistant district attorney. Bodenheimer stated that Judge Porteous may have perceived that Bodenheimer didn’t like bondsmen and simply told Bodenheimer that he could trust the Marcottes when it comes to the Marcottes providing information related to a particular offender. Senate Vol. III at 1255:07-1256:06; 1262:16-1263:01 (Bodenheimer). (“What I took from Judge Porteous was him telling me, Ronny, listen, I know you don’t like Marcotte, but I’m telling you, I’ve dealt with him in the past, he’s not going to lie to you about bond information. That’s what I took it to mean”)

565. Bodenheimer further stated that he did not feel that Judge Porteous ever used his position as a federal judge to pressure Bodenheimer to work with the Marcottes or to issue any bonds. Senate Vol. III at 1281:13-18 (Bodenheimer).

566. Judge Porteous never told Bodenheimer what to do in relation to the Marcottes. Senate Vol. III at 1257:09-11 (Bodenheimer).

567. In relation to the statement about never having to buy lunch, Bodenheimer stated that he “thought it was a funny statement,” “it was said as a quip”, that “Porteous had a wit,” “he said it for everybody to hear,” other people laughed, and that such jokes or quips were typical of Porteous. Senate Vol. III at 121259:03-1261:05 (Bodenheimer).

568. Bodenheimer stated that “It was true – whatever [Marcotte] told me about a particular defendant, and I would check, I believe I would say I would check every time. The information he gave me, I would call the jail and verify it, and I never, ever caught him in a lie.” Senate Vol. III at 1280:09-18 (Bodenheimer).

569. Bodenheimer’s indictment involved more than just the allegations of Bodenheimer taking things of value from the Marcottes. It also involved Bodenheimer pleading guilty to a conspiracy to actually plant drugs on someone he had disagreed with in order to cause them harm. Senate Vol. III at 1321:04-08 (Bodenheimer); *see also* House Ex. 88(f).

570. Bodenheimer stated that “it didn’t take long before you felt pressured to do bonds because of a federal court decree that said if you didn’t do the bonds, they were going to release them with no bonds. So you did have pressure. And since Marcotte was doing the lion’s share of the bonds, you did have to deal with him. But I didn’t feel pressure from what I was told by Judge Porteous, no.” Senate Vol. III at 1262:04-15 (Bodenheimer).

571. The House produced no evidence that Judge Porteous tried to influence Judge Alan Green into working with the Marcottes. *See generally* Senate Vols. I-V.

Marcotte FBI Interviews

572. Louis Marcotte was interviewed twice by the FBI in relation to the FBI's background check of Judge Porteous. Senate Vol. II at 530:25-531:09 (Louis Marcotte).

573. Louis Marcotte claims that Judge Porteous knew that Louis Marcotte had lied to the FBI when he stated that "he had no knowledge of the candidate's financial situation." Senate Vol. II at 532:23-533:04 (Louis Marcotte). Louis Marcotte claims that this statement was clearly false because he was aware that Judge Porteous's automobiles were in bad condition. Senate Vol. II at 533:01-04 (Louis Marcotte).

574. Louis Marcotte had no knowledge, beyond his observations of the state of Judge Porteous's automobiles. Senate Vol. II at 584:13-21 (Louis Marcotte).

575. During his Senate testimony, Louis Marcotte testified that after the FBI interviews, he told Judge Porteous that he had given the FBI "thumbs up" regarding the questions he had been asked. Senate Vol. II at 535:21-22; 583:21-584:02 (Louis Marcotte).

576. Judge Porteous and Louis Marcotte never sat down and worked through the questions he was likely to be asked or discussed what answers Louis Marcotte should give. Moreover, Judge Porteous never told Louis Marcotte to be untruthful in responding to the FBI's questions. Senate Vol. II at 581:20-582:04; 582:10-12; 583:18-20 (Louis Marcotte).

577. Judge Porteous had suggested that the FBI interview Louis Marcotte. Senate Vol. II at 582:07-09 (Louis Marcotte).

578. Louis Marcotte did not take notes during his interview with the FBI, waited several days after the interview to call Judge Porteous to tell him about the interview, and when

they finally met and discussed the interview, Marcotte provided only a summary of the questions, as opposed to giving a run down of each questions asked and answered. Senate Vol. II at 582:13-24 (Louis Marcotte).

579. Louis Marcotte testified that he did not think he could have used any information that he was in possession of to coerce Judge Porteous into taking any action. Senate Vol. II at 584:03-12 (Louis Marcotte).

Gifts to Other Judges

580. The Marcottes's gave cash to approximately three dozen judges and state representatives. Senate Vol. II at 585:15-21 (Louis Marcotte); Louis Marcotte Senate Dep. at 7:25-8:02; Lori Marcotte Senate Dep. at 92:13-96:14-19.

581. Several of the judges that the Marcottes gave cash to are still state court judges in Louisiana. Senate Vol. II at 585:15-21 (Louis Marcotte); Louis Marcotte Senate Dep. at 7:25-8:02; Lori Marcotte Senate Dep. at 92:13-96:19; Porteous Ex. 1007.

582. Lori Marcotte gave \$10,000 cash to a state judge in an envelope. Lori Marcotte Senate Dep. at 94:12-16.

583. Lori Marcotte gave \$2,500 to another state court judge. Lori Marcotte Senate Dep. at 96:14-19.

584. Lori Marcotte reviewed, with the FBI, campaign reports and observed that the \$2,500 she gave to a state court judge did not appear in the report. Lori Marcotte Senate Dep. at 97:16-98:01.

585. Lori Marcotte gave \$2,500 on two different occasions to a different state judge. Lori Marcotte Senate Dep. at 97:13-15.

586. Lori Marcotte assumed that the money she gave to state court judges did not always end up being used for campaign activities. Lori Marcotte Senate Dep. at 98:02-14.

587. The Marcottes gave other gifts to other judges and court staff, including large quantities of shrimp, fake Rolex watches, hams, turkeys, cakes, and gingerbread houses. Senate Vol. II at 587:02-23 (Louis Marcotte); Senate Vol. II at 647:02-19 (Lori Marcotte); Senate Vol. V at 1835:06-17 (Griffin).

588. It was a “regular practice of Bail Bonds Unlimited to give gifts” to “several judges.” Senate Vol. II at 706:11-16 (Wallace).

589. Wallace testified that he would personally “bring little boxes of the little pastries to each division of the judges.” Senate Vol. II at 706 (Wallace).

590. According to John Mamoulides, it was common for lawyers and others to bring gifts to judges and the fact that a judge received a gift “wouldn’t bother” Mamoulides, as the Parish’s chief prosecutor. Senate Vol. V at 1785:01-19 (Mamoulides).

Government Witness Views on Judge Porteous

591. Louis Marcotte thought that Judge Porteous was a “very smart” and “very funny” Judge. Senate Vol. II at 511:08-10 (Louis Marcotte).

592. Lori Marcotte said Judge Porteous was known to be “one of the more experienced” judges, had been a “great prosecutor,” and a “great jurist.” Senate Vol. II at 632:25-633:13 (Lori Marcotte).

593. Aubrey Wallace stated that Judge Porteous “was a very fair and impartial judge.” Senate Vol. II at 703:23-704:01 (Wallace).

594. Reverend Aubrey Wallace testified that Judge Porteous was viewed by many in the community as the type of judge that you could have a “fair chance with.” Senate Vol. II at 708:04-16 (Wallace).

595. Mamoulides stated that Porteous “knew the law, he knew the evidence. And his decisions and rulings were generally good.” Senate Vol. V at 1752:21-1753:05 (Mamoulides).

596. Judge Porteous became one of Mamoulides’ more seasoned prosecutors, responsible for handling “some of the bigger cases” and eventually became a supervisor. Senate Vol. V at 1749:15-1750:22 (Mamoulides).

D. Article III

Article III Allegations

597. Article III alleges that Judge Porteous “knowingly and intentionally ma[de] material false statements and representations under penalty of perjury related to his personal bankruptcy filing” and “repeatedly violat[ed] a court order in his bankruptcy case.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

598. The only misconduct alleged by the House as the basis for conviction under Article III is that Judge Porteous (1) “us[ed] a false name and a post office box address to conceal his identity as the debtor in the case”; (2) “conceal[ed] assets”; (3) “concealed preferential payments to certain creditors”; (4) “conceal[ed] gambling losses and other gambling debts”; and (5) “incurr[ed] new debts while the case was pending, in violation of the bankruptcy court’s order.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

599. Article III does not allege any misconduct outside of the Chapter 13 bankruptcy case that Judge Porteous and his late wife Carmella filed in 2001. 111 Cong. Rec. S1645 (Mar. 17, 2010).

600. Article III does not allege any misconduct or improprieties in connection with financial disclosure forms that Judge Porteous completed while a federal judge. 111 Cong. Rec. S1645 (Mar. 17, 2010); Senate Vol. III at 1053:13-22 (Horner).

601. Article III does not allege that Judge Porteous abused in any way his power or authority as a federal judge. 111 Cong. Rec. S1645 (Mar. 17, 2010).

602. Article I asserts that Judge Porteous “should be removed from office” because he is “guilty of high crimes and misdemeanors.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

603. Article I does not allege that Judge Porteous should removed from office for treason. 111 Cong. Rec. S1645 (Mar. 17, 2010).

604. Article I does not allege that Judge Porteous should be removed from office for bribery. 111 Cong. Rec. S1645 (Mar. 17, 2010).

Retention of, and Reliance Upon, Bankruptcy Attorney Claude Lightfoot

605. In the summer of 2000, Judge Porteous and his late wife Carmella retained consumer bankruptcy attorney Claude Lightfoot to assist them in attempting to restructure their debts. Senate Vol. III at 1071:22 – 1072:23, 1101:4-7 (Lightfoot); Stipulation 185.

606. Prior to retaining him as their attorney, neither Judge Porteous nor his wife had previously met Mr. Lightfoot. Senate Vol. III at 1101:8-11 (Lightfoot).

607. In retaining Mr. Lightfoot and working with him to restructure their debts, the Porteouses specifically sought to avoid filing for bankruptcy protection. Senate Vol. III at 1072:1-6, 1101:16-24 (Lightfoot); Stipulation 187.

608. At the time that the Porteouses retained him as their attorney, Mr. Lightfoot had been practicing consumer bankruptcy law almost exclusively for 10 years. Senate Vol. III at 1071:14-16, 1101:12-15 (Lightfoot).

609. The Porteouses retained Mr. Lightfoot because of his bankruptcy experience, knowledge, and expertise. Senate Vol. III at 1104:1-17, 1116:20 – 1117:2 (Lightfoot).

610. The Porteouses retained Mr. Lightfoot to assist them because neither Judge Porteous nor his wife had any particular experience, knowledge, or expertise concerning bankruptcy issues. Senate 1102:22 – 1104:17, 1116:20 – 1117:2 (Lightfoot).

611. The Bankruptcy Code is a highly technical statute, the comprehension of which requires specialized expertise that is beyond the capacity of lay people and most competent lawyers. Senate Vol. IV at 1515:6-25 (Pardo).

612. Chapter 13 bankruptcy is an extremely complicated process, which requires the completion of an enormous number of complex forms, for which most individuals seek the professional assistance of a lawyer who specializes in the practice of consumer bankruptcy law and, as a result, is aware of the various requirements (some of which are not readily apparent) of the bankruptcy forms. Senate Vol. V at 1850:11 – 1851:17, 1852:14 – 1853:8 (Hildebrand).

613. FBI Agent DeWayne Horner, who the House called to testify before the Committee concerning the Porteouses' bankruptcy case, is not a bankruptcy expert, has never practiced bankruptcy law, and has no expertise with regard to bankruptcy law. Senate Vol. III at 1019:6-14, 1021:14-17 (Horner).

614. FBI Agent Horner testified that his investigation concerning Judge Porteous is the only case that he has ever worked on where bankruptcy issues were central to the case. Senate Vol. III at 1021:4-13 (Horner).

615. Most federal district court judges, although they occasionally hear appeals of bankruptcy issues decided by bankruptcy judges, have little experience, knowledge, or expertise concerning bankruptcy issues. Senate Vol. III at 1102:22 – 1103:25 (Lightfoot); Senate Vol. IV at 1449:18 – 1451:19 (Pardo); Porteous Ex. 1067 (Vanderbilt Law Review article analyzing the disparate quality of appellate review of bankruptcy issues conducted by district court judges versus bankruptcy appellate panels composed of bankruptcy judges).

616. The Westlaw database of published and unpublished judicial decisions contains only seven opinions issued by Judge Porteous during his 16-year tenure as a federal judge in which he sat in an appellate capacity reviewing bankruptcy issues; four of which dealt with business bankruptcy cases and three of which dealt with consumer bankruptcy cases. Senate

Vol. IV at 1449:6-13 (Pardo). None of these seven opinions related to bankruptcy disclosure issues or debtors' incurrence of post-petition debt. Senate Vol. IV at 1449:14-17 (Pardo).

617. The Porteouses relied heavily upon Mr. Lightfoot's advice and counsel throughout their relationship with him, including during their attempt to restructure their debts and their eventual bankruptcy filing. Senate Vol. III at 1104:1-13, 1116:20 – 1117:2 (Lightfoot).

Documents and Disclosures Provided to Mr. Lightfoot

618. Shortly after retaining Mr. Lightfoot in the summer of 2000, the Porteouses provided Mr. Lightfoot with a number of documents, including a May 2000 paystub, a completed set of bankruptcy worksheets, a handwritten list of the Porteouses' creditors, and various credit card statements. Senate Vol. III at 1073:18 – 1074:1, 1074:22-23, 1104:18 – 1106:9 (Lightfoot); House Ex. 139 (Lightfoot file, at CL0180-83); Stipulation 186 & 237.

619. The Porteouses continued to provide additional credit card statements periodically to Mr. Lightfoot as they received them. Senate Vol. III at 1105:7-18, 1156:12 – 1157:2, 1159:24 – 1160:6 (Lightfoot).

620. Mr. Lightfoot reviewed and analyzed all of the various documents that the Porteouses provided to him, including credit card statements. Senate Vol. III at 1106:10-20 (Lightfoot).

621. At least two of the Porteouses' credit card statements found in Mr. Lightfoot's file, which he reviewed and analyzed, contained gambling related charges. Senate Vol. III at 1156:3-7, 1156:12 – 1157:6, 1158:3-24, 1159:11-21 (Lightfoot); House Ex. 343 (at JC202426 & JC202432).

622. The Porteouses disclosed to Mr. Lightfoot, in the bankruptcy worksheets that they completed and provided to him, that their monthly total income after all deductions and taxes

was approximately \$7,900 per month. Senate Vol. III at 1109:1-25 (Lightfoot); House Ex. 138(b) (Worksheets at CL0032/SC00672).

Workout Attempts

623. Through the summer and fall of 2000, Mr. Lightfoot reviewed and analyzed the various documents that he received from the Porteouses and calculated the repayments that the Porteouses' creditors would have received had the Porteouses filed for Chapter 7 bankruptcy protection. Senate Vol. III at 1074:4-5, 1106:10 – 1108:2 (Lightfoot).

624. Mr. Lightfoot thereafter sent letters to the Porteouses' unsecured creditors detailing the repayments that they would likely receive if the Porteouses filed for Chapter 7 bankruptcy protection and requesting that the creditors agree to a workout proposal to be funded by additional borrowing against the Porteouses' house. Senate Vol. III at 1074:5-13, 1107:23 – 1108:2 (Lightfoot); House Ex. 139 (Lightfoot file, at CL0174).

625. Mr. Lightfoot made repeated attempts to contact the Porteouses' creditors concerning the Porteouses' workout proposal through the summer and fall of 2000 and into the winter of 2000-2001. Senate Vol. III at 1111:3-15 (Lightfoot).

626. At some point during this attempt to avoid bankruptcy by negotiating a workout with the Porteouses' creditors, Mr. Lightfoot advised the Porteouses to stop making regular payments to their unsecured creditors, including their credit card companies. Senate Vol. III at 1089:23-25, 1113:3-8 (Lightfoot).

627. The Porteouses' attempt to avoid bankruptcy by negotiating a workout with their creditors failed in February or March of 2001 when at least one of their unsecured creditors affirmatively rejected their workout proposal. Senate Vol. III at 1075:9-10, 1111:16 – 1113:13 (Lightfoot); Stipulation 188.

Considering Bankruptcy

628. Following the failure of the Porteouses' attempt to avoid bankruptcy via a workout, Mr. Lightfoot and the Porteouses discussed filing for Chapter 13 bankruptcy protection. Senate Vol. III at 1075:11-25 (Lightfoot).

629. During his discussions with the Porteouses, it was clear to Mr. Lightfoot that Judge Porteous and particularly his late wife Carmella were embarrassed and distraught over the possibility of filing for bankruptcy protection. Senate Vol. III at 1102:5-15 (Lightfoot).

630. It was also clear to Mr. Lightfoot that the Porteouses were concerned about the embarrassment that would be visited upon their four children if they were to file for bankruptcy protection. Senate Vol. III at 1102:16-21 (Lightfoot).

631. At the time that the Porteouses filed for bankruptcy protection, the Times-Picayune newspaper in New Orleans published weekly the names of all individuals who filed for bankruptcy protection. Senate Vol. III at 1080:2-3, 1117:21 – 1118:6 (Lightfoot); Porteous Ex. 1064 (Times-Picayune news article dated April 8, 2001); Stipulation 202.

632. Following his discussion with the Porteouses concerning filing for Chapter 13 bankruptcy protection, Mr. Lightfoot prepared (using a computer software program) various bankruptcy filings, schedules, and statements based on the information, documents, and worksheets that the Porteouses had previously provided to him. Senate Vol. III at 1076:1-16, 1079:3-4 (Lightfoot); Stipulation 189-90.

633. In preparing the Porteouses' bankruptcy filings, schedules, and statements, Mr. Lightfoot did not request from the Porteouses either an updated paystub or any other additional documentation. Senate Vol. III at 1076:11-16, 1114:6-23, 1134:14-18 (Lightfoot); Stipulation 191.

The Ortous Pseudonym – Mr. Lightfoot’s Idea

634. Mr. Lightfoot came up with and suggested the idea of filing the Porteouses’ original bankruptcy petition under a pseudonym. Senate Vol. III at 1079:22-25, 1115:10-21, 1116:8-19 (Lightfoot).

635. Mr. Lightfoot selected the pseudonym Ortous. Senate Vol. III at 1117:3-8 (Lightfoot).

636. Mr. Lightfoot proposed to the Porteouses that they file their original bankruptcy petition under the pseudonym Ortous. Senate Vol. III at 10810:20-25, 1115:10-21, 1116:8-19 (Lightfoot).

637. Mr. Lightfoot proposed that the Porteouses file their original bankruptcy petition under a pseudonym out of compassion for the Porteouses, in order to avoid publicity and the embarrassment of filing for bankruptcy protection. Senate Vol. III at 1080:6-16, 1119:3-15, 1126:11-13, 1177:20-22, 1178:16-17 (Lightfoot).

The Ortous Pseudonym – No Intent to Deceive or Defraud the Court or Creditors

638. Neither Mr. Lightfoot nor the Porteouses ever intended to deceive or defraud creditors by filing the Porteouses’ original bankruptcy petition under the pseudonym Ortous. Senate Vol. III at 1080:14-16, 1125:6-11, 1178:4-8 (Lightfoot).

639. There is no evidence to support the allegation that the Porteouses allowed their original bankruptcy petition to be filed under a pseudonym with a fraudulent intent. *See generally* Senate Vols. I-V.

640. When Mr. Lightfoot proposed to the Porteouses that they file their original bankruptcy petition under the pseudonym Ortous, both he and the Porteouses always intended to

file an amended petition changing the name to Porteous immediately after the pseudonym appeared in the newspaper. Senate Vol. III at 1079:22 – 1080:2, 1178:4-8 (Lightfoot).

641. After filing the Porteouses' Chapter 13 bankruptcy petition, Mr. Lightfoot called the Chapter 13 bankruptcy trustee, Mr. S.J. Beaulieu, and specifically notified him that the case had been filed with an incorrect name, but that the name had already been corrected. Senate Vol. IV at 1524:8-22, 1532:23 – 1533:1 (Beaulieu).

642. During his tenure as standing Chapter 13 bankruptcy trustee in the Eastern District of Louisiana, Mr. Beaulieu has seen a small number of bankruptcy cases filed with incorrect names. Senate Vol. IV at 1531:8-11 (Beaulieu).

643. Following the filing of the Porteouses' original bankruptcy petition, Judge Porteous and his late wife Carmella held a family meeting with their four children and explained that the reason they had allowed their bankruptcy case to be filed initially under a pseudonym was because they were tremendously embarrassed about having to file for bankruptcy protection and wanted to protect their children from that embarrassment. Senate Vol. III at 1234:4 – 1235:1 (Timothy Porteous).

644. Former Bankruptcy Judge Ronald Barliant testified that he would not refer for investigation or criminal prosecution a debtor who, at the suggestion of his attorney, filed a bankruptcy petition under a pseudonym with the intent to correct that name, and who in fact did correct the name, prior to notices being sent to creditors. Senate Vol. V at 1919:3-16 (Barliant).

645. Former Bankruptcy Judge Barliant testified that he would not make such a referral because the fact that the pseudonym was used at the suggestion of counsel and was corrected before there could be any injury to creditors would indicate to him that the debtor did not have any fraudulent intent and the filing did not have any fraudulent effect because creditors received

a correct notice in sufficient time to file claims and/or otherwise participate in the case. Senate Vol. V at 1919:17 – 1920:4, 1932:12-14 (Barliant).

646. On the basis of the facts alleged by the House in connection with the Ortous pseudonym, former Bankruptcy Judge Barliant testified that he did not believe that he could find that there was any intent to commit fraud or otherwise impair the bankruptcy system. Senate Vol. V at 1926:8-18 (Barliant).

647. Any violation of 18 U.S.C. Section 152, which criminalizes false oaths in bankruptcy cases, or 18 U.S.C. Section 157, which proscribes bankruptcy fraud, requires the presence of fraudulent intent.

648. In the Fifth Circuit, a debtor is entitled to rely on the advice of his counsel, and a conviction for false oath cannot be founded on a debtor's following the advice of counsel. *Hibernia Nat'l Bank v. Perez*, 124 B.R. 704 (E.D. La. 1991), *aff'd*, 954 F.2d 1026 (5th Cir. 1992).

The Post Office Box – Mr. Lightfoot's Idea

649. Mr. Lightfoot came up with and suggested the idea of filing the Porteouses' original bankruptcy petition using a Post Office Box address. Senate Vol. III at 1082:9-14, 1115:10-21, 1116:6-19 (Lightfoot).

650. Mr. Lightfoot proposed that the Porteouses obtain a Post Office Box address and use that address in their original bankruptcy petition. Senate Vol. III at 1082:9-14, 1115:10-21, 1116:6-19 (Lightfoot).

651. Mr. Lightfoot advised Judge Porteous that he should obtain a Post Office Box. Senate Vol. III at 1117:12-16 (Lightfoot).

652. Upon the advice of his counsel Mr. Lightfoot, Judge Porteous obtained a Post Office Box and provided that Post Office Box address to Mr. Lightfoot. Senate Vol. III at 1082:12-21 (Lightfoot); House Ex. 145 (Post Office Box Application); House Ex. 138(a) (message slip from Lightfoot file); Stipulation 200.

The Post Office Box – No Intent to Deceive or Defraud the Court or Creditors

653. Mr. Lightfoot testified that there is nothing wrong with listing a Post Office Box address on a bankruptcy petition, that debtors file for bankruptcy protection using Post Office Box addresses frequently, and that he did not have any concern advising the Porteouses to obtain a Post Office Box address for use in their bankruptcy filing. Senate Vol. III at 1119:3-17, 1128:3-11, 1152:23 – 1153:4 (Lightfoot).

654. There is no evidence to support the allegation that the Porteouses allowed their original bankruptcy petition to be filed using a Post Office Box address with a fraudulent intent. *See generally* Senate Vols. I-V.

Original Bankruptcy Petition

655. Mr. Lightfoot never discussed with the Porteouses the pre-printed language that appeared above their signatures on the original Chapter 13 bankruptcy petition that he prepared and filed on their behalf. Senate Vol. III at 1152:13-22 (Lightfoot).

656. Mr. Lightfoot had the Porteouses sign – but not date – their original Chapter 13 bankruptcy petition some period of time prior to the filing of that petition. Senate Vol. III at 1163:1-25 (Lightfoot).

657. Mr. Lightfoot dated all of the bankruptcy filings that he filed on the Porteouses' behalf, including the bankruptcy petition, the bankruptcy schedules, and the statement of

financial affairs. Senate Vol. III at 1163:1-8, 1164:17 - 1165:10 (Lightfoot); Porteous Ex. 1100(b), 1100(c), & 1100(d).

658. On March 28, 2001, Mr. Lightfoot filed a Chapter 13 bankruptcy petition on behalf of the Porteouses that included (1) the pseudonym Ortous (which Mr. Lightfoot had selected and suggested to the Porteouses), (2) a Post Office Box address (which Mr. Lightfoot had advised the Porteouses to obtain), and (3) the Porteouses' correct Social Security numbers. Senate Vol. III at 1114:24 – 1115:3, 1125:23 – 1126:2 (Lightfoot); Porteous Ex. 1100(b); Stipulation 203-04 & 207-08.

659. In 2001, more than 1,000,000 Chapter 7 bankruptcy cases and more than 400,000 Chapter 13 bankruptcy cases were filed in the United States. Senate Vol. IV at 1416:18 – 1417:1 (Pardo); *see also* www.uscourts.gov/uscourts/Statistics/BankruptcyStatistics/BankruptcyFilings/2001/1201_f2.xls (recording 1,031,493 non-business Chapter 7 bankruptcy cases and 419,750 non-business Chapter 13 bankruptcy cases filed in calendar year 2001).

660. Former Bankruptcy Judge William Greendyke, who was temporarily assigned from the Southern District of Texas to the Eastern District of Louisiana, presided over the Porteouses' bankruptcy case from shortly after its filing in March 2001 until his retirement from the bench in June 2004. Stipulation 277.

661. Mr. S.J. Beaulieu, the standing Chapter 13 bankruptcy trustee for the Eastern District of Louisiana, served as the Chapter 13 bankruptcy trustee who administered the Porteouses' bankruptcy case. Senate Vol. IV at 1523:25 – 1524:4 (Beaulieu); Stipulation 263.

662. During the pendency of the Porteouses' bankruptcy case, Mr. Beaulieu conferred with William Heitkamp, the standing Chapter 13 bankruptcy trustee in the Southern District of

Texas, concerning certain procedures utilized by Judge Greendyke in connection with Chapter 13 bankruptcy cases. Stipulation 264-65

663. On April 8, 2001, the Times-Picayune newspaper ran an article listing the names of recent bankruptcy filers that included the original bankruptcy petition filed by Mr. Lightfoot on behalf of the Porteouses using the name Ortous. Senate Vol. III at 1119:16 – 1120:21, 1121:18 – 1122:13 (Lightfoot); Porteous Ex. 1064.

Amended Bankruptcy Petition and Additional Filings

664. On April 9, 2001, the very next day after the Times-Picayune news article ran, Mr. Lightfoot filed an amended Chapter 13 bankruptcy petition on behalf of the Porteouses that listed their full and correct names, their residential address, and their correct Social Security numbers. Senate Vol. III at 1082:22 – 1083:3, 1121:18 – 1122:13, 1127:15 – 1128:2 (Lightfoot); Porteous Ex. 1100(c); Stipulation 210-16.

665. Also on April 9, 2001, Mr. Lightfoot filed a set of bankruptcy schedules, a statement of financial affairs, and a proposed Chapter 13 repayment plan on behalf of the Porteouses. Senate Vol. III at 1082:19-22, 1131:3-11 (Lightfoot); Porteous Ex. 1100(d); Stipulation 220 & 240.

666. Prior to filing the amended petition, bankruptcy schedules, statement of financial affairs, and proposed Chapter 13 repayment plan, Mr. Lightfoot filled in the date on those forms, which he had had the Porteouses sign previously. Senate Vol. III at 1163:1-8, 1164:17 - 1165:10 (Lightfoot); Porteous Ex. 1100(b), 1100(c), & 1100(d).

667. The Porteouses' bankruptcy schedules disclosed assets totaling more than \$263,000. Porteous 1100(c).

Notice to Creditors

668. Bankruptcy petitions, which are filed with the bankruptcy court, are not sent to creditors. Senate Vol. IV at 1417:2-9 (Pardo).

669. Notice of commencement of the Porteouses' bankruptcy case was sent out to scheduled creditors and other interested parties on April 19, 2001, ten days after the Porteouses' amended bankruptcy petition was filed. Stipulation 217; House Ex. 128.

670. The notice of commencement of the Porteouses' bankruptcy case that was sent out to scheduled creditors and other interested parties contained the Porteouses' full and correct names and Social Security numbers. Senate Vol. III at 1124:11 – 1125:5, 1128:23 – 1129:13 (Lightfoot); Senate Vol. IV at 1529:8-13 (Beaulieu); Senate Vol. V at 1855:21 – 1856:2 (Hildebrand); House Ex. 128.

671. No creditor listed in the Porteouses' bankruptcy petition (original or amended) or bankruptcy schedules ever received any official bankruptcy notice that contained the pseudonym Ortous. Senate Vol. III at 1124:11-23 (Lightfoot); Senate Vol. IV at 1531:8-17 (Beaulieu); Stipulation 218.

672. If a debtor omits a creditor from his bankruptcy filings and, as a result, that creditor does not receive official notice of the commencement of the debtor's bankruptcy case, then the debt owed to that creditor cannot be discharged in connection with the bankruptcy. Senate Vol. IV at 1419:3-11 (Pardo).

673. When Mr. Lightfoot filed the Porteouses' original bankruptcy petition on March 28, 2001, he knew for a fact that no creditor or other interested party would receive any official bankruptcy notice containing the pseudonym Ortous. Senate Vol. III at 1122:16-19, 1124:7-10 (Lightfoot).

674. Mr. Lightfoot knew for a fact that no creditor or other interested party would receive any official bankruptcy notice containing the pseudonym Ortous because, at that time, notices to creditors and other interested parties could not be issued until after the bankruptcy schedules and proposed repayment plan were filed with the Court. Senate Vol. III at 1122:20 – 1124:6, 1128:5-19 (Lightfoot).

675. Mr. Lightfoot specifically did not file the Porteouses' bankruptcy schedules and proposed repayment plan until after he filed the Porteouses' amended bankruptcy petition, which listed their full and correct names, their residential address, and their Social Security numbers. Senate Vol. III at 1083:19 – 1084:1, 1116:4-7, 1121:18 – 1122:1, 1122:16 – 1125:5, 1130:16-19 (Lightfoot).

676. The result of the Porteouses' amendment of their Chapter 13 bankruptcy petition prior to any notice being sent to creditors was that the Porteouses' creditors received notice of the Porteouses' correct name and Social Security numbers. Senate Vol. V at 1856:11 – 1857:2 (Hildebrand).

677. Henry Hildebrand, the standing Chapter 13 bankruptcy trustee in the Middle District of Tennessee for more than 28 years, testified that, in his expert opinion, the important thing concerning notice to creditors is whether creditors and other interested parties receive notice of a bankruptcy case adequate to allow them to participate in the case. Senate Vol. V at 1856:21 – 1857:2 (Hildebrand).

Income Disclosure

678. Notwithstanding the fact that Judge Porteous disclosed his net monthly take-home pay to Mr. Lightfoot as approximately \$7,900 per month, Mr. Lightfoot elected to use Judge

Porteous's May 2000 paystub as the basis for the income that he listed in the Porteouses' bankruptcy schedules. Senate Vol. III at 1087:23 – 1088:10, 1109:22 – 1111:2 (Lightfoot).

679. The bankruptcy schedules that Mr. Lightfoot filed on the Porteouses' behalf included a copy of Judge Porteous's May 2000 paystub. Senate Vol. III at 1132:24 – 1133:2 (Lightfoot); Porteous Ex. 1100(d) at 19; Stipulation 236.

680. Since a copy of Judge Porteous's May 2000 paystub was included in the Porteouses' publicly-filed bankruptcy schedules, the fact that the income disclosed in those schedules was based on a May 2000 paystub was open and obvious to anyone who reviewed the schedules, including the court, the trustee, creditors, and any other interested party. Senate Vol. III at 1133:3-10, 1133:21-24 (Lightfoot); Porteous Ex. 1100(d) at 19.

681. No one, not the court, the trustee, any creditor, or any other interested party, ever objected to the amount of income listed in the Porteouses' bankruptcy schedules. Senate Vol. III at 1133:11 – 1134:1 (Lightfoot).

682. Mr. Lightfoot testified that, both in 2001 and now, he is unfamiliar with the issue of FICA limits and their effect on net income, that the income of his regular bankruptcy clients does not approach FICA limits, and that he never discussed the issue of FICA limits with Judge Porteous. Senate Vol. III at 1134:19 – 1135:20 (Lightfoot).

683. Since Mr. Lightfoot never raised the issue of FICA limits with Judge Porteous, Professor Rafael Pardo testified that, in his expert opinion, it would not be reasonable to expect Judge Porteous to appreciate or understand the significance of the FICA limits issue in a Chapter 13 bankruptcy case. Senate Vol. IV at 1409:17-22, 1437:10 – 1438:6, 1495:18-20 (Pardo).

684. Mr. Beaulieu never requested any updates concerning the Porteouses' income. Senate Vol. III at 1135:21 – 1136:2 (Lightfoot).

685. Mr. Beaulieu, though he had the authority to do so, never sought to amend the Porteouses' Chapter 13 repayment plan to reflect additional income. Senate Vol. III at 1054:18-24 (Horner).

686. Mr. Beaulieu specifically declined to take any action with regard to the income disclosed in the Porteouses' bankruptcy case because he concluded that any underreported income "would not substantially increase the percentage paid to unsecured creditors." Porteous Ex. 1108 (Letter from Beaulieu Staff Attorney to FBI Agent Horner); Senate Vol. IV at 1527:12-14 (Beaulieu).

687. The Porteouses never had any obligation to update their income disclosures in connection with their bankruptcy case. Senate Vol. III at 1136:3-7 (Lightfoot); Senate Vol. V at 1907:2-9 (Barliant).

688. Mr. Hildebrand characterized Mr. Lightfoot's use of Judge Porteous's out-of-date May 2000 paystub as the basis for the income disclosed in the Porteouses' bankruptcy filings as "disappointing, but [] not surprising." Senate Vol. V at 1873:23-24 (Hildebrand).

689. There is no evidence to support the allegation that Mr. Lightfoot's use of Judge Porteous's out-of-date paystub as the basis for the income disclosed in the Porteouses' bankruptcy filings, and his failure to account for the effect of FICA limits on Judge Porteous's income, was an intentional misrepresentation done with a fraudulent intent. *See generally* Senate Vols. I-V.

Checking Account Disclosures

690. Among the assets listed in the Porteouses' bankruptcy schedules, Mr. Lightfoot disclosed a value of \$100 for the Porteouses' Bank One checking account. Porteous Ex. 1100(d) (Schedule B).

691. In order to determine the value of the Porteouses' Bank One checking account for purposes of listing it in the bankruptcy schedules that he filed on their behalf, Mr. Lightfoot asked Judge Porteous to approximate how much money he had in that account. Senate Vol. III at 1137:25 – 1138:17 (Lightfoot).

692. Disclosing the exact actual balance in a checking account on the date of filing for Chapter 13 bankruptcy protection is less important than in a Chapter 7 bankruptcy case because Chapter 13 is a repayment plan, which focuses on future income rather than current assets, and Chapter 13 debtors are typically not required to turn over the money in their checking account. Senate Vol. III at 113:24 – 1140:19 (Lightfoot).

693. In Chapter 13 bankruptcy cases, a debtor's assets on the date of filing for bankruptcy protection (including checking accounts) are not counted for purposes of determining projected disposable income and are not required to be paid over to creditors. Senate Vol. IV at 1435:13-18 (Pardo).

694. There is no evidence to support the allegation that the failure to disclose a value higher than \$100 for the Porteouses' Bank One checking account in the bankruptcy schedules that Mr. Lightfoot filed on the Porteouses' behalf was an intentional misrepresentation done with a fraudulent intent. *See generally* Senate Vols. I-V.

695. The Porteouses' bankruptcy schedules omitted their Fidelity Homestead money market checking account; the value of that account on the date that the Porteouses' original bankruptcy was filed was \$283.42. Stipulation 228 & 230.

696. There is no evidence to support the allegation that the omission of the Porteouses' Fidelity Homestead money market checking account from the bankruptcy schedules that Mr.

Lightfoot filed on the Porteouses' behalf was an intentional omission done with a fraudulent intent. *See generally* Senate Vols. I-V.

697. In fact, Judge Porteous testified before the Fifth Circuit Special investigatory Committee that he believed that that he had told Mr. Lightfoot about his Fidelity checking account. Fifth Circuit at 86:20-87:10 (Porteous).

698. The Bankruptcy Code does not dictate what bank account a Chapter 13 debtor may use while in bankruptcy; indeed, a Chapter 13 debtor is free to use whatever bank account he or she wishes, including bank accounts that are not listed in his or her bankruptcy schedules. Senate Vol. IV at 1439:5 – 1440:9 (Pardo).

Year 2000 Tax Refund

699. The bankruptcy schedules that Mr. Lightfoot filed on April 9, 2001, on the Porteouses' behalf inadvertently omitted the year 2000 tax refund that the Porteouses requested shortly before they filed for bankruptcy protection. Fifth Circuit at 83:21 – 84:15 (Porteous).

700. There is no evidence to support the allegation that the omission of the year 2000 tax refund from the bankruptcy schedules that Mr. Lightfoot filed on the Porteouses' behalf was an intentional omission done with a fraudulent intent. *See generally* Senate Vols. I-V.

701. During the Fifth Circuit Special Investigatory Committee hearings, Judge Porteous testified that (1) he discussed his receipt of the Porteouses' year 2000 tax refund with Mr. Lightfoot shortly after receiving that refund, (2) Mr. Lightfoot advised Judge Porteous to put that refund in his bank account but to be prepared to turn it over if the bankruptcy trustee requested it, and (3) the year 2000 tax refund was omitted from the Porteouses' bankruptcy schedules inadvertently and that omission was unintentional and not an attempt to defraud

anyone. Fifth Circuit at 83:21 – 84:15 (Porteous); Senate Vol. V at 1860:24 – 1862:5 (Hildebrand).

702. Henry Hildebrand, the standing Chapter 13 bankruptcy trustee in the Middle District of Tennessee for more than 28 years, testified that, in his expert opinion, it is fairly common for debtors (including those represented by counsel) to fail to list anticipated tax refunds in their bankruptcy filings. Senate Vol. V at 1859:8 – 1860:15 (Hildebrand).

703. Mr. Hildebrand also testified that, if a debtor told his attorney that he had received a tax refund which was not listed in the debtor's bankruptcy schedules, then the burden would be on that attorney to amend the bankruptcy schedules and disclose the tax refund. Senate Vol. V at 1862:6-23 (Hildebrand).

704. During the pendency of the Porteouses' bankruptcy case, the Chapter 13 bankruptcy trustee in the Eastern District of Louisiana normally did not seek to recover tax refunds received by Chapter 13 debtors. Senate Vol. III at 1087:12-16, 1141:21-24, 1142:23 – 1143:2 (Lightfoot); *see also* Senate Vol. V at 1863:20-25 (Hildebrand, noting a similar procedure in the Middle District of Tennessee).

705. Had the Porteouses' year 2000 tax refund been included in their bankruptcy filings, the only action that Chapter 13 bankruptcy trustee Beaulieu would have taken would have been to inquire whether the Porteouses had more disposable income to contribute to their Chapter 13 repayment plan. Senate Vol. IV at 1531:24 – 1532:2 (Beaulieu); Senate Vol. V at 1862:24 – 1864:7 (Hildebrand).

706. The year 2000 tax refund that the Porteouses received after filing for bankruptcy protection did not constitute disposable income under the Bankruptcy Code and was not required to be paid over to the Porteouses' creditors. Senate Vol. IV at 1435:23 – 1437:9 (Pardo).

Pre-Petition Payments to Creditors

707. There is nothing inherently wrong or improper about pre-petition payments to creditors. Senate Vol. IV at 1427:6-20 (Pardo); *see also In re Huber Contracting, Ltd.*, 347 B.R. 205, 215 (Bankr. W.D. Tex. 2006).

708. Rhonda Danos was Judge Porteous's legal secretary for nearly 24 years, both while he was a state court judge and a federal district court judge. Senate Vol. III at 868:10-12 (Danos).

709. During the course of their 24-year professional relationship, Ms. Danos and Judge Porteous developed an informal custom whereby Ms. Danos would occasionally write checks to pay certain of Judge Porteous's expenses when he did not have his checkbook with him. Senate Vol. III at 877:11-13, 882:3-10 (Danos). Over time, Ms. Danos gradually wrote more checks on Judge Porteous's behalf until she eventually took it upon herself to write such checks without first discussing it with Judge Porteous. Senate Vol. III at 882:11-18 (Danos).

710. When Ms. Danos would write checks on Judge Porteous's behalf, she would then tell Judge Porteous how much she had paid so that he could reimburse her. Senate Vol. III at 882:17-21 (Danos).

711. Judge Porteous always quickly reimbursed Ms. Danos for the checks that she wrote on his behalf. Senate Vol. III at 882:22 – 883:3 (Danos).

712. Ms. Danos also had a habit of writing checks for people other than Judge Porteous, including her sons, who would then reimburse her. Senate Vol. III at 883:10-13, 884:1-6 (Danos).

713. On March 23, 2001, Rhonda Danos made a \$1,088.41 payment to the Fleet Credit Card Company on the Porteouses' behalf with a check drawn on her personal bank account.

Senate Vol. III at 877:14-20 (Danos); Senate Vol. III at 978:25 – 979:3, 991:2-21, 994:13-17 (Horner).

714. On March 27, 2001, Judge Porteous redeemed with cash three \$500 markers at the Treasure Chest Casino. Stipulation 194.

715. Chapter 13 bankruptcy trustee Beaulieu testified that the two preference payments that the Porteouses' failed to disclose in their bankruptcy filings "were inconsequential as far as [he] was concerned," "were not to an insider," and, as a result, he "would not have probably done anything on those two items." Senate Vol. IV at 1532:3-8 (Beaulieu).

716. In order to decide whether to pursue a preference payment, Chapter 13 bankruptcy trustee Beaulieu has to weigh the cost of pursuing a payment against the amount of money that may become available to pay creditors as a result. Senate Vol. IV at 1549:24 – 1550:1 (Beaulieu).

717. When Mr. Lightfoot listed "normal installments" in response to question 3 of the Porteouses' statement of financial affairs, he intended to disclose that the Porteouses were making their normal, contractual installment payments on their car leases and home mortgages. Senate Vol. III at 1089:2 – 1090:4 (Lightfoot).

718. There is no evidence to support the allegation that Mr. Lightfoot's listing of "normal installments" in response to question 3 of the Porteouses' statement of financial affairs was an intentional misrepresentation done with a fraudulent intent. *See generally* Senate Vols. I-V.

719. In connection with Chapter 13 bankruptcy cases filed in the Eastern District of Louisiana in 2001, the Chapter 13 bankruptcy trustee typically did not seek to recover or avoid pre-bankruptcy payments to creditors. Senate Vol. III at 1144:3-22, 1145:7-9 (Lightfoot).

720. Instead, in connection with Chapter 13 bankruptcy cases filed in the Eastern District of Louisiana in 2001, the Chapter 13 bankruptcy trustee would consider pre-bankruptcy payments to creditors for purposes of determining whether the proposed Chapter 13 repayment plan satisfied the Best Interests of Creditors test, which seeks to ensure that unsecured creditors receive at least as much value as they would under a Chapter 7 bankruptcy. Senate Vol. III at 1144:3 – 1145:9 (Lightfoot).

721. There is no evidence to support the allegation that the omission from the Porteouses' bankruptcy filings of the pre-petition payment to the Treasure Chest Casino or the Fleet Credit Card Company, if those payments should in fact have been disclosed, was an intentional omission done with a fraudulent intent. *See generally* Senate Vols. I-V.

Reasonable Minds Can and Do Disagree Concerning the Legal Effect of Casino Markers

722. In order for Judge Porteous's March 27, 2001 redemption of the Treasure Chest Casino markers to constitute a pre-petition payment to a creditor, a marker must constitute a debt. Senate Vol. III at 1032:3-21 (Horner).

723. Reasonable minds, including federal judges in the Fifth Circuit and expert witnesses called by both parties to testify before the Committee, can and do disagree with regard to whether a casino marker constitutes a debt or a check. House Ex. 5 (Fifth Circuit Special Investigatory Committee Report, at 18) & 6(b) (Fifth Circuit Judicial Council Dissent, at 39); Fifth Circuit at 64:10 – 65:24 (Porteous); Senate Vol. III at 1194:17 – 1195:22 (Keir); Senate Vol. IV at 1410:21 – 1411:10, 1465:10-23, 1466:24 – 1467:10, 1508:14 – 1509:4 (Pardo); Senate Vol. IV at 1540:22-25 (Beaulieu); Senate Vol. V at 1871:8-15 (Hildebrand).

724. The Comptroller of the Treasure Chest Casino in Kenner, Louisiana, Mr. Vincent Schwartz, explained to FBI Agent Horner in June 2003 that “a marker is a temporary check,”

which the casino will negotiate if the marker is not redeemed first. Senate Vol. III at 1033:2 - 1034:15 (Horner).

725. Four federal judges who participated in Judge Porteous's Fifth Circuit judicial disciplinary proceedings held that, "Under Louisiana commercial law, markers are considered 'checks' as defined by Louisiana statute." House Ex. 6(b) (Fifth Circuit Judicial Council Dissent, at 39, *citing TeleRecovery of Louisiana, Inc. v. Gaulon*, 738 So. 2d 662, 664-66 (La. Ct. App. 1999)). Those four federal judges further concluded that it was "debatable" whether post-petition markers executed by Judge Porteous constituted an actual extension of credit. House Ex. 6(b) (Fifth Circuit Judicial Council Dissent, at 39). While the Fifth Circuit Special Investigatory Committee report took the contrary view, it did so without citing to any supporting case law. House Ex. 5 (at 18-19).

726. During the Fifth Circuit Special Investigatory Committee hearings, Judge Porteous testified that (1) he disputed whether a marker constitutes credit and (2) he does not believe that purchasing gambling chips at a casino with a personal check would have violated any court order (including the confirmation order entered in his bankruptcy case). Fifth Circuit at 64:10 – 65:24 (Porteous).

727. Personal checks are negotiable instruments, which are governed by Article III of the Uniform Commercial Code, which has been enacted in Louisiana. Senate Vol. IV at 1443:11-15 (Pardo); Senate Vol. III at 1213:1-8 (Keir).

728. Personal checks, which are orders to pay (as opposed to promises to pay), are not debt instruments. Senate Vol. IV at 1444:21 – 1445:13, 1462:22, 1503:23 – 1504:5 (Pardo).

729. Article III of the Uniform Commercial Code provides that when a check is tendered and accepted as payment for an obligation, the exchange of the check suspends the obligation. Senate Vol. IV at 1443:11-19 (Pardo).

730. When an obligation is suspended by the exchange of a check, that check is the obligee's sole avenue for payment; the obligee may not legally enforce the suspended obligation unless and until the check is presented and dishonored. Senate Vol. IV at 1443:11 – 1444:11 (Pardo).

731. Under the Uniform Commercial Code, there is no legal difference between buying gambling chips from a casino with a marker and buying potato chips from a grocery store with a personal check; the legal analysis and effect are identical in each instance. Senate Vol. IV at 1411:7-10, 1444:12-17 (Pardo).

732. Neither the payment form used nor the nature of goods or services purchased has any effect on the analysis of whether a particular transaction results in the incurrence of debt. Senate Vol. IV at 1442:24 – 1443:3, 1444:12-17 (Pardo).

733. During his testimony before the Committee, the House of Representatives' bankruptcy expert, Judge Keir, did not draw any distinction, for purposes of determining whether a debt is incurred, between buying gambling chips with a marker, buying groceries with a personal check, or cashing a check. Senate Vol. III at 1214:24 – 1215:19 (Keir)

734. Under Louisiana law, a casino marker is considered to be a check, which, as an order to pay, is not a debt instrument. Senate Vol. IV at 1444:21 – 1445:13, 1462:22, 1503:23 – 1504:5 (Pardo); *TeleRecovery of Louisiana, Inc. v. Gaulon*, 738 So. 2d 662, 664-66 (La. Ct. App. 1999) (examining the features and attributes of casino markers and concluding that markers constitute checks under Louisiana law).

735. Casino markers do not represent or constitute borrowing or extensions of credit. Senate Vol. IV at 1462:9-18, 1503:19-21 (Pardo).

736. The tender and acceptance of a casino marker (like a personal check) creates only a contingent debt, which becomes fixed and payable if and only if the casino presents the marker to its patron's bank and the marker is dishonored. Senate Vol. IV at 1462:1-8, 1463:24 – 1464:4 (Pardo).

Other Issues Concerning the Porteouses' Bankruptcy Filings

737. The chart that FBI Agent Horner prepared of Judge Porteous's gambling winnings and losing in the year prior to filing for bankruptcy protection reflects only the information that he was able to obtain from casinos and, as a result, does not include cash transactions or so-called non-rated (or non-recorded) play. Senate Vol. III at 999:17-25; 1036:15 – 1039:15 (Horner).

738. There is no evidence to support the allegation that the omission of the Porteouses' gambling losses, if they in fact had any net losses, from their bankruptcy filings was an intentional omission done with a fraudulent intent. *See generally* Senate Vols. I-V.

739. On the day that the Porteouses' original bankruptcy petition was filed (March 28, 2001), the Grand Casino Gulfport's records show that Judge Porteous did not have any markers outstanding. Stipulation 198-99.

740. There is no prohibition against a Chapter 13 debtor withdrawing money from an individual retirement account and using that money to pay expenses. Senate Vol. IV at 1440:10-14 (Pardo). Under the Bankruptcy Code, funds held in an individual retirement account are exempt and, therefore, not subject to the claims of creditors. Senate Vol. IV at 1440:15-24 (Pardo).

The Porteouses' Chapter 13 Repayment Plan

741. The Chapter 13 repayment plan originally proposed by the Porteouses was based on their actual expenses and contemplated a monthly payment to creditors of \$875. Senate Vol. III at 1144:20-24, 1154:16-25 (Lightfoot); Porteous Ex. 1100(d)

742. In response to an objection by the Chapter 13 bankruptcy trustee, the Porteouses proposed an amended Chapter 13 repayment plan in which they significantly cut their expenses and nearly doubled their proposed monthly payment to creditors to \$1,600, an increase of \$725 per month. Senate Vol. III at 1145:4-24, 1146:18 – 1147:2, 1155:1-25 (Lightfoot); Senate Vol. IV at 1525:16 – 1526:6 (Beaulieu); Senate Vol. IV at 1434:13-20, 1435:2-12 (Pardo); Porteous Ex. 1100(g) (Trustee's Objection), 1100(h) (Amended Schedule I) & 1100(i) (Amended Chapter 13 Plan).

743. An objection by the Chapter 13 bankruptcy trustee to a proposed Chapter 13 repayment plan is a common event, which happens frequently as part of the Chapter 13 bankruptcy process. Senate Vol. IV at 1547:1-9 (Beaulieu).

744. The Chapter 13 bankruptcy trustee, Mr. Beaulieu, analyzed, approved, and recommended confirmation of the Porteouses' amended Chapter 13 repayment plan. Porteous Ex. 1100(o) (Trustee's Summary and Analysis of Chapter 13 Plan).

745. Where the bankruptcy trustee recommends confirmation of a Chapter 13 repayment plan, and no creditor or other party objects, the proposed repayment plan is typically confirmed. Senate Vol. V at 1900:25 – 1901:21 (Barliant).

Confirmation of the Porteouses' Chapter 13 Repayment Plan

746. The amended Chapter 13 repayment plan proposed by the Porteouses and approved and recommended by the Chapter 13 bankruptcy trustee, Mr. Beaulieu, was confirmed

by the Bankruptcy Court in June 2001. Senate Vol. III at 1136:22-25 (Lightfoot); House Ex. 133 (Confirmation Order); Stipulation 278-79.

747. Mr. Lightfoot did not sit down and review with the Porteouses the Bankruptcy Court's confirmation order. Senate Vol. III at 1147:3-25 (Lightfoot).

Best Interests of Creditors

748. The purpose of a Chapter 13 bankruptcy repayment plan is to deliver to the trustee an amount of money (which he then distributes to creditors) at least equal to what unsecured creditors would have received had the bankruptcy case been filed under Chapter 7, where the debtor's non-exempt assets are liquidated and the proceeds distributed to creditors. Senate Vol. III at 1184:14-18 (Keir); Senate Vol. IV at 1420:10 – 1421:2, 1422:25 – 1423:2 (Pardo).

749. A Chapter 13 debtor is not required to commit or liquidate assets in order to effectuate a Chapter 13 repayment plan. Senate Vol. V at 1863:10-19 (Hildebrand). Instead, Chapter 13 debtors typically commit future income to fund their repayment plans. Senate Vol. V at 1863:10-19 (Hildebrand).

750. The Chapter 13 repayment plan proposed by the Porteouses, approved and recommended by the Chapter 13 bankruptcy trustee, and confirmed by the Bankruptcy Court satisfied the Best Interests of Creditors test because the amount of money that the Porteouses repaid to their unsecured creditors exceeded the amount that those creditors would have received had the bankruptcy case been filed under Chapter 7, where the Porteouses' non-exempt assets would have been liquidated and the proceeds distributed to their creditors. Senate Vol. IV at 1421:6 – 1422:18 (Pardo); Senate Vol. V at 1854:4-15 (Hildebrand).

751. Even if the Porteouses' bankruptcy filings had not included the errors and omissions alleged by the House of Representatives, the Porteouses' confirmed Chapter 13 repayment plan would still have satisfied the Best Interests of Creditors test because unsecured creditors received more as a result of the Porteouses' completed repayment plan than they would have in a Chapter 7 liquidation. Senate Vol. IV at 1431:4 1432:18 (Pardo).

Post-Petition Activities

752. The Bankruptcy Code (11 U.S.C. § 101, *et seq.*) does not contain any prohibition against gambling. Senate Vol. V at 1906:7 – 1907:1 (Barliant).

753. In May 2001, Ms. Danos wrote and delivered a check to the Beau Rivage Casino on Judge Porteous's behalf to redeem a previously executed marker. Senate Vol. III at 884:8-13 (Danos); Senate Vol. III at 1006:7-11 (Horner); Stipulation 251 & 253-54. Ms. Danos did this because she had already planned to travel to the Beau Rivage Casino and was saving Judge Porteous a trip. Senate Vol. III at 884:14-16, 884:20-22 (Danos). This was not the first time that Ms. Danos had taken a check to a casino for Judge Porteous in order to save him a trip. Senate Vol. III at 884:23 – 885:4 (Danos). Prior to her taking the check to the Beau Rivage Casino, Judge Porteous endorsed a check payable to him from his exempt individual retirement account over to Ms. Danos as reimbursement. Senate Vol. III at 1006:2-6 (Horner); Stipulation 249-50 & 252.

754. Instructions given by a Chapter 13 bankruptcy trustee to a debtor, either in writing in a pamphlet or orally at a Section 341 meeting of creditors, are not legally binding and have no legal effect. Senate Vol. V at 1910:10 – 1911:1 (Barliant).

755. There is absolutely no legal authority under the Bankruptcy Code for a bankruptcy judge to prohibit a Chapter 13 debtor from incurring post-petition or post-confirmation debt. Senate Vol. V at 1908:13-24 (Barliant).

756. The Bankruptcy Code does not include any prohibition against a Chapter 13 debtor borrowing money, buying anything on credit, or incurring debt without permission from the bankruptcy court. Senate Vol. IV at 1441:12-22 (Pardo).

757. The Bankruptcy Code does not include any prohibition against a Chapter 13 debtor incurring debt without permission from the bankruptcy trustee. Senate Vol. IV at 1441:23 – 1442:7 (Pardo); Senate Vol. V at 1909:14-17 (Barliant).

758. The first sentence of paragraph 4 of the confirmation order entered in the Porteouses' bankruptcy case is absolutely unauthorized by the Bankruptcy Code and constitutes judicial error. Senate Vol. V at 1912:10-12 (Barliant); House Ex. 133.

759. A literal interpretation and application of the language of paragraph 4 of the confirmation order entered in the Porteouses' bankruptcy case would lead to absurd results. Senate Vol. IV at 1446:9-13 (Pardo).

760. For example, if paragraph 4 of the confirmation order entered in the Porteouses' bankruptcy case were interpreted and applied literally, Judge Porteous and his wife would have technically violated the order by going to a restaurant and ordering lunch, taking their car to a garage and obtaining an oil change, and turning on the lights in their house. Senate Vol. IV at 1441:23 – 1442:23, 1498:4-9 (Pardo); Senate Vol. V at 1911:12-21 (Barliant).

761. It would be impossible for any debtor to comply with a literal interpretation and application of paragraph 4 of the confirmation order entered in the Porteouses' bankruptcy case. Senate Vol. V at 1911:2-11 (Barliant).

762. If former Bankruptcy Judge Barliant had entered a Chapter 13 confirmation order containing the language set out in paragraph 4 of the confirmation order entered in the Porteouses' bankruptcy case, he would have "[k]ick[ed] [him]self for having entered the order" and either vacated the order or construed in a way to make it consistent with the Bankruptcy Code. Senate Vol. V, at 1911:22 – 1912:20 (Barliant); House Ex. 133.

763. To make paragraph 4 of the confirmation order entered in the Porteouses' bankruptcy case consistent with the Bankruptcy Code, former Bankruptcy Judge Barliant would limit the application of the first sentence to the circumstances described in the second sentence, such that post-petition debt would not be prohibited, but instead would be non-dischargeable in the Chapter 13 bankruptcy case unless it were approved by the trustee. Senate Vol. V at 1912:21 – 1913:19 (Barliant).

764. Former Bankruptcy Judge Barliant testified that neither post-petition casino markers nor Judge Porteous's post-petition use of a Capital One credit card would violate paragraph 4 of the confirmation order entered in the Porteouses' bankruptcy case, if that order were construed as necessary to make it consistent with the authority vested by the Bankruptcy Code in the bankruptcy judge who issued it. Senate Vol. V at 1929:23 – 1930:11 (Barliant).

765. The consequence under the Bankruptcy Code for a Chapter 13 debtor incurring debt after entry of a confirmation order without trustee approval is that that debt is not subject to the pending bankruptcy case and may be collected in the usual course. Senate Vol. III at 1148:3-15 (Lightfoot); Senate Vol. V at 1908:25 – 1909:13, 1909:18 1910:9 (Barliant).

766. Mr. Lightfoot, an attorney practicing consumer bankruptcy law in New Orleans for nearly 20 years, is not aware of any debtor ever being held in contempt of court or being

referred for criminal prosecution for incurring debt after plan confirmation without court authority. Senate Vol. III at 1148:16-23, 1170:19 – 1171:5 (Lightfoot).

767. Post-petition and post-confirmation prohibitions against incurring additional debt are intended to preserve the viability of Chapter 13 repayment plans. Senate Vol. III at 1153:9-18 (Lightfoot); Senate Vol. V at 1868:24 – 1869:4 (Hildebrand).

768. The Capital One credit card that Judge Porteous obtained and used following plan confirmation had a credit limit of \$200 (which was later increased to \$400 and then \$600). Stipulation 315, 318-19.

769. FBI Agent Horner's testimony before the Committee that the first use of that Capitol One credit card occurred on September 17th is directly contradicted by the stipulated facts, specifically Stipulation 316, in which the House affirmatively stipulated that the first use of that card occurred on August 23rd. Stipulation 316; Senate Vol. III at 1009:6-8 (Horner).

770. Mr. Hildebrand testified that, if he were to discover that a Chapter 13 debtor had used a credit card without permission, he would file a motion to dismiss the bankruptcy case, which he would generally withdraw if the debtor explained his actions and agreed to a strict compliance order. Senate Vol. V at 1869:20 – 1870:11 (Hildebrand).

771. Former Bankruptcy Judge Barliant testified that, if a Chapter 13 debtor who was timely making all of his plan repayments incurred post-petition debt in violation of paragraph 4 of the confirmation order entered in the Porteouses' bankruptcy case, he would be very reluctant to dismiss the case, since doing so would end those plan repayments and not help any of the interested parties. Senate Vol. V at 1914:17 – 1915:7 (Barliant).

772. Former Bankruptcy Judge Barliant would not have pursued contempt or other sanctions against a debtor who failed to cure non-compliance with a confirmation order. Senate Vol. V at 1916:9-12, 1917:25 – 1918:6 (Barliant).

773. Former Bankruptcy Judge Barliant testified that he certainly would not, under any circumstances, make a criminal referral for potential prosecution of a debtor who incurred post petition debt. Senate Vol. V at 1917:25 – 1918:6 (Barliant).

774. A “credit line” or “line of credit” at a casino does not constitute either an extension of credit or borrowing. Senate Vol. IV at 1462:9-18 (Pardo). Instead, a casino “credit line” constitutes a casino’s evaluation of the solvency of a patron (and his or her bank account) and reflects the casino’s willingness to accept checks, and for up to what total amount, from that patron. Senate Vol. IV at 1462:19 – 1463:4 (Pardo).

Unlike Most Chapter 13 Debtors, the Porteouses Successfully Completed Their Chapter 13 Plan

775. The majority (ranging from more than half to upwards of two-thirds or three-quarters) of confirmed Chapter 13 repayment plans are not successfully completed. Senate Vol. IV at 1419:12-23 (Pardo); Senate Vol. III at 1153:19-22 (Lightfoot).

776. The Porteouses successfully and timely completed all payments contemplated by their confirmed Chapter 13 repayment plan. Senate Vol. III at 1149:1-6, 1153:23-25 (Lightfoot); Senate Vol. IV at 1525:14-15 (Beaulieu); Porteous Ex. 1100(z); Stipulation 329.

777. In successfully completing their confirmed Chapter 13 repayment plan, the Porteouses paid a total of \$57,600 to the Chapter 13 bankruptcy trustee, of which he disbursed \$52,567.01 to the Porteouses’ unsecured creditors. Senate Vol. III at 1150:10 – 1151:16 (Lightfoot); Senate Vol. IV at 1525:11-13 (Beaulieu); Porteous Ex. 1100(z).

778. The Porteouses' total Chapter 13 repayments to creditors – totaling more than \$52,000 – is higher than many other repayment plans that Mr. Lightfoot has seen, and was characterized by Mr. Hildebrand as “a pretty big plan.” Senate Vol. III at 1151:3-9 (Lightfoot); Senate Vol. V at 1875:11-14 (Hildebrand).

Trustee Beaulieu Was Well Aware of All Allegations of Bankruptcy Misconduct

779. After filing the Porteouses' original Chapter 13 bankruptcy petition, Mr. Lightfoot called Mr. Beaulieu and specifically notified him that the case had been filed with an incorrect name. Senate Vol. IV at 1524:8-22 (Beaulieu).

780. On January 22, 2004, prior to completion of the Porteouses' confirmed Chapter 13 repayment plan and prior to discharge of their remaining debt, attorneys with the Justice Department, including Noah Bookbinder and Dan Petalas, and agents and analysts with the FBI, including Patrick Bohrer, DeWayne Horner, and Gerald Fink, met with Mr. Beaulieu at his office for approximately two hours and discussed the Porteouses' bankruptcy case. Senate Vol. IV at 1526:10-23 (Beaulieu); Senate Vol. III at 1044:12 – 1046:7, 1047:13-16 (Horner); Stipulation 326; Porteous Ex. 1108 (Letter from Beaulieu Staff Attorney to FBI Agent Horner).

781. In their discussions, the Justice Department and FBI personnel specifically made Mr. Beaulieu aware of the following issues concerning the Porteouses' bankruptcy case: (1) that the original bankruptcy petition was filed with the Porteouses' name misspelled; (2) that the Porteouses' disclosed income was based on a May 2000 paystub; (3) that the bankruptcy filings did not account for the changes in the Porteouses' income caused by the FICA limits; (4) that the Porteouses failed to disclose tax refunds; (5) that the Porteouses had used credit cards without permission; (6) that the Porteouses had executed gambling markers; and (7) the Porteouses' lifestyle activities might not be consistent with their schedule J disclosures. Senate Vol. IV at

1526:24 – 1527:11, 1539:15-25 (Beaulieu); Senate Vol. III at 1046:8 – 1047:12 (Horner); Porteous Ex. 1108 (Letter from Beaulieu Staff Attorney to FBI Agent Horner).

782. Despite being made specifically aware of the issue, Mr. Beaulieu concluded that addressing the effect of the FICA limits on the Porteouses' income would not substantially increase the amounts repaid to unsecured creditors and, therefore, declined to take any further action. Porteous Ex. 1108 (Letter from Beaulieu Staff Attorney to FBI Agent Horner); Senate Vol. IV at 1438:10 – 1439:4 (Pardo).

783. Following their discussions, Mr. Beaulieu had his staff attorney send a letter to FBI Agent Horner notifying him that Mr. Beaulieu did not intend to take any action in connection with the issues that the Justice Department and FBI raised in connection with the Porteouses' bankruptcy case. Senate Vol. IV at 1527:12-14 (Beaulieu); Senate Vol. III at 1047:17 – 1048:15, 1049:23 – 1050:1 (Horner); Porteous Ex. 1108 (Letter from Beaulieu Staff Attorney to FBI Agent Horner dated April 1, 2004); Stipulation 328.

784. Had Mr. Beaulieu decided to take action with regard to the issues concerning the Porteouses' bankruptcy raised to him by the Justice Department and FBI, he would have filed a motion to dismiss the case with the bankruptcy court and left it to the discretion of the Bankruptcy Judge and the U.S. Trustee to take whatever action they saw fit. Senate Vol. IV at 1530:8-21, 1538:11 – 1539:3 (Beaulieu).

785. The letter that Mr. Beaulieu's staff attorney sent to FBI Agent Horner specifically noted that the government was free to file an objection with the bankruptcy court concerning the Porteouses' bankruptcy case. Porteous Ex. 1108 (Letter from Beaulieu Staff Attorney to FBI Agent Horner).

786. The government never filed any objection with the bankruptcy court concerning the Porteouses' bankruptcy case. Senate Vol. IV at 1528:3-12 (Beaulieu); Porteous Ex. 1109 (Letter from DOJ Public Integrity Section to Beaulieu dated April 13, 2004).

787. Bankruptcy judges typically do not play a role in administering Chapter 13 bankruptcy cases; instead, bankruptcy judges rely extensively upon the bankruptcy trustee to perform that function, exercise his or her discretion, and bring before the court only those issues that are material and warrant the court's attention. Senate Vol. V at 1895:11 – 1898:3 (Barliant).

Discharge

788. Following successful completion of their confirmed Chapter 13 repayment plan, the bankruptcy court discharged the remaining balance of the Porteouses' scheduled debts. Stipulation 330.

789. No party ever sought to dismiss the Porteouses' bankruptcy case, or to convert that Chapter 13 case into a Chapter 7 case. Senate Vol. IV at 1496:1-9 (Pardo).

790. No creditor ever objected to any part of the Porteouses' Chapter 13 repayment plan. Senate Vol. IV at 1528:13-16 (Beaulieu).

791. Neither the Justice Department nor the FBI ever filed any objection with the bankruptcy court concerning the Porteouses' bankruptcy case. Senate Vol. IV at 1528:3-12 (Beaulieu).

No Criminal Charges

792. The federal government, acting through the Justice Department and FBI, conducted a thorough, multi-year investigation into the Porteouses' conduct in connection with their Chapter 13 bankruptcy case. Senate Vol. III at 1021:18-20 (Horner); Stipulation 18.

793. The Justice Department and FBI specifically “investigated whether Judge Porteous ... committed or conspired to commit honest services mail- or wire-fraud in violation of 18 U.S.C. §§ 371, 1341, 1343, and 1346, submitted false statements to federal agencies and banks in violation of 18 U.S.C. §§ 1001 and 1014, and filed false declarations, concealed assets, and acted in criminal contempt of court during his personal bankruptcy action in violation of 18 U.S.C. §§ 152 and 401.” House Ex. 4 (DOJ Declination Letter, at 1); Senate Vol. III at 1022:2-21 (Horner).

794. While he was under investigation by the Justice Department and FBI, Judge Porteous signed a series of tolling agreements extending the applicable statutes of limitations for a number of criminal violations for which he was being investigated, including bankruptcy fraud (18 U.S.C. § 152), bribery (18 U.S.C. § 201), criminal conflict of interest (18 U.S.C. § 208), criminal contempt (18 U.S.C. § 401), false statements (18 U.S.C. § 1001), and honest services mail- and wire-fraud (18 U.S.C. §§ 1341, 1343, and 1346). Porteous Ex. 1003, 1004, 1005; Senate Vol. III at 1023:24 – 1024:9, 1029:9-12 (Horner).

795. After completing its thorough, multi-year investigation into the Porteouses’ conduct in connection with their Chapter 13 bankruptcy case, the Justice Department specifically declined to bring any criminal charges against Judge Porteous. Senate Vol. III at 1021:21 – 1022:1, 1022:22 – 1023:4 (Horner); House Ex. 4 (DOJ Declination Letter, at 1); Stipulation 18.

796. Among the reasons stated by the Justice Department for its decision not to bring any criminal charges against Judge Porteous are “concerns about the materiality of some of Judge Porteous’s provably false statements,” “the special difficulties of proving *mens rea* and intent to deceive beyond a reasonable doubt in a case of this nature,” and “the need to provide

consistency in charging decisions concerning bankruptcy and criminal contempt matters.” House Ex. 4 (DOJ Declination Letter, at 1); Senate Vol. III at 1023:5-13 (Horner).

Errors In Bankruptcy Are Common

797. Most individuals who prepare bankruptcy forms for the purpose of seeking bankruptcy protection are under severe economic distress and are very anxious to obtain the relief afforded by the bankruptcy process, including the automatic stay, as quickly as possible. Senate Vol. V at 1852:17 – 1853:2, 1867:9-14 (Hildebrand).

798. As a result, individuals preparing bankruptcy forms often do not read all of the instructions and do not complete bankruptcy forms accurately. Senate Vol. V at 1853:3-6 (Hildebrand).

799. An empirical study of consumer bankruptcy cases filed in 1999 in the Eastern District of Michigan conducted by U.S. Bankruptcy Judge Steven W. Rhodes determined that (1) 99% of those bankruptcy cases reviewed contained at least one error, (2) bankruptcy schedules and statements of financial affairs contained, on average, 3.4 errors, and (3) 26% of the bankruptcy cases reviewed contained five or more errors. Senate Vol. IV at 1452:12 – 1453:15 (Pardo); Porteous Ex. 1070 (Rhodes Study, at DEF01682 and DEF01706-07).

800. Errors in Chapter 13 bankruptcy cases filed in the Eastern District of Louisiana are not unusual. Senate Vol. IV at 1529:14-18 (Beaulieu).

801. Mr. Hildebrand, the standing Chapter 13 bankruptcy trustee for the Middle District of Tennessee for more than 28 years, testified that, in his expert opinion, there are errors in virtually every Chapter 13 case and that he does not believe he has ever seen a perfect Chapter 13 bankruptcy filing. Senate Vol. V at 1864:8-24 (Hildebrand).

802. Mr. Hildebrand also testified that he has seen a number of bankruptcy cases filed with incorrect or incomplete names. Senate Vol. V at 1857:12 – 1858:6, 1876:14-22 (Hildebrand). When that happens, Mr. Hildebrand simply requires the debtor to amend the petition, correct the name, and provide notice of that change to all parties in interest. Senate Vol. V at 1858:7-20, 1876:25 – 1877:2, 1877:8-14 (Hildebrand).

803. In evaluating mistakes made in Chapter 13 bankruptcies, the bankruptcy trustee is tasked with investigating and evaluating the good faith and sincerity of the debtor, which is done primarily by examining the debtor face-to-face at the meeting of creditors. Senate Vol. V at 1866:15 – 1867:3 (Hildebrand).

804. Perfection is not the standard by which bankruptcy filings are or ought to be judged. Senate Vol. V at 1889:5-8, 1890:3-7 (Hildebrand).

805. Errors in bankruptcy cases are not limited to debtors' mistakes. Senate Vol. IV at 1454:6-8 (Pardo).

806. An empirical study of 1,700 Chapter 13 bankruptcy cases filed in 2006 conducted by law professor Katherine Porter found that in 95% of those cases either the debtor, a creditor, or both made inaccurate statements in bankruptcy filings that were submitted to a bankruptcy court subject to federal criminal laws regarding bankruptcy fraud. Senate Vol. IV at 1454:9-14, 1454:21 - 1457:14 (Pardo); Porteous Ex. 1068 (Porter Bankruptcy Study).

Bankruptcy Is Not A Strict Liability System

807. The U.S. bankruptcy system, as established by Congress through enactment of the Bankruptcy Code (11 U.S.C. § 101, *et seq.*), is not a strict liability system. Senate Vol. IV at 1414:16-24, 1508:9-13 (Pardo).

808. Instead, the U.S. bankruptcy system, as established by Congress through enactment of the Bankruptcy Code (11 U.S.C. § 101, *et seq.*), is designed to recognize that there is a spectrum of conduct regarding nondisclosures, errors, and omissions, and the bankruptcy courts and other participants in the bankruptcy system are empowered with a variety of tools to address those issues. Senate Vol. IV at 1414:25 – 1415:18, 1458:1-24, 1507:13-25 (Pardo).

809. An all-or-nothing approach to the bankruptcy system, where perfect bankruptcy filings are a prerequisite to any relief, is unworkable, unrealistic, and would cause the entire bankruptcy system to grind to a halt. Senate Vol. IV at 1458:9-18 (Pardo).

810. Since the Bankruptcy Code is a highly technical statute, which requires specialized expertise to understand and apply, bankruptcy issues should not be viewed as black or white. Senate Vol. IV at 1515:6 – 1516:4 (Pardo).

811. The appropriate consequence for a debtor's failure to disclose assets and liabilities candidly is denial of discharge. Senate Vol. V at 1879:4-8 (Hildebrand).

E. **Article IV**

Article IV Allegations

812. Article IV alleges that “[i]n 1994, in connection with his nomination to be a judge of the United States District Court for the Eastern District of Louisiana,” Judge Porteous “knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

813. Article IV alleges that “[o]n his Supplemental SF-86, Judge Porteous was asked if there was anything in his personal life that could be used by someone to coerce or blackmail him, or if there was anything in his life that could cause an embarrassment to Judge Porteous or the President if publicly known. Judge Porteous answered ‘no’ to this question and signed the form under the warning that a false statement was punishable by law.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

814. Article IV alleges that “[d]uring his background check, Judge Porteous falsely told the Federal Bureau of Investigation on two separate occasions that he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on his character, reputation, judgment, or discretion.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

815. Article IV alleges that “[o]n the Senate Judiciary Committee’s ‘Questionnaire for Judicial Nominees,’ Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered that, to the best of his knowledge, he did ‘not know of any unfavorable information that may affect [his] nomination.’ Judge Porteous signed that questionnaire by swearing that ‘the information provided in this statement is, to the best of my knowledge, true and accurate.’ 111 Cong. Rec. S1645 (Mar. 17, 2010).

816. Article IV alleges that these statements were, in fact, false because Judge Porteous should have responded to the questions above in the affirmative in light of the following information:

817. That Judge Porteous had appointed Robert Creely as a curator in “hundreds of cases and thereafter requested and accepted from Amato & Creely a portion of the curatorship fees which had been paid to the firm”;

818. That he had solicited and accepted numerous things of value from the Marcottes while at the same time taking official actions that benefitted the Marcottes; and

819. That Louis Marcotte made false statements to the FBI in an effort to assist Judge Porteous in being appointed to the federal bench. 111 Cong. Rec. S1645 (Mar. 17, 2010).

820. Article IV alleges that Judge Porteous’s failure to disclose these facts “deprived the United States Senate and the public of information that would have had a material impact on his confirmation.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

821. Article IV does not allege that Judge Porteous suborned false statements. 111 Cong. Rec. S1645 (Mar. 17, 2010).

822. Article IV necessarily depends on certain findings related to Articles I and II.

823. Article IV contains an identical claim as that contained in Article II: “As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

824. Article IV does not contain a claim that Judge Porteous knew and understood that Robert Creely made false statements to the FBI in an effort to assist Judge Porteous in being appointed to the Federal bench. 111 Cong. Rec. S1645 (Mar. 17, 2010).

825. Article IV does not allege that Judge Porteous lied when he stated during his background check that he had not “abused alcohol . . . during his entire adult life.” 111 Cong. Rec. S1645 (Mar. 17, 2010).

Lack of Evidence

826. The House has presented no evidence that Judge Porteous tried to conceal the above information or, when filling out his Supplemental SF-86, thought that there was something in his personal life that could be used by someone to coerce or blackmail him. *See generally* Senate Vols. I-V.

827. The House has presented no evidence that Judge Porteous, when filling out his Supplemental SF-86, thought that there was anything in his life that could cause an embarrassment to Judge Porteous or President Clinton if publicly known. *See generally* Senate Vols. I-V.

828. The House has presented no evidence that Judge Porteous, during his FBI background checks, believed he was concealing any activity or conduct that could have been used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on his character, reputation, judgment, or discretion. *See generally* Senate Vols. I-V.

829. The House has presented no evidence that Judge Porteous, when completing his Senate Judiciary Committee “Questionnaire for Judicial Nominees,” believed that he had failed to disclose any unfavorable information that existed that could affect his nomination. *See generally* Senate Vols. I-V.

830. When asked about the facts related to his relationship with Amato & Creely during the Fifth Circuit proceedings, Judge Porteous did not conceal any activity. *See generally* House Ex. 10.

Background Check and Appointment Process in General

831. Professor G. Calvin Mackenzie, designated an expert in this matter, testified that the process of FBI background checks began in the Eisenhower administration and was directed at uncovering national security risks. Senate Vol. V at 2000:20-2001:20 (Mackenzie).

832. Mackenzie explained that once the White House decides to nominate an individual for a presidential appointment, requiring Senate approval, an elaborate process involving a lot of paper ensues. Senate Vol. V at 1999:17-2000:19 (Mackenzie).

833. Mackenzie stated that the average nominee has to answer approximately 200 written questions during the nomination process and that many of these questions are redundant. Senate Vol. V at 2018:19-2019:03 (Mackenzie).

SF-86 and Supplemental SF-86

834. On or about April 27, 1994, in connection with a possible nomination to the United States District Court for the Eastern District of Louisiana, Judge Porteous signed a completed Standard Form (“SF”) 86. House Ex. 69(b) (PORT000000232-43); *see also* Stipulation 169.

835. On his SF-86, Judge Porteous listed “Don C. Gardner” as an individual who knew him well. House Ex. 69(b) (PORT000000238).

836. The SF-86 asked detailed questions, including “Have you ever been charged with or convicted of any felony offense?” and “Have you experience problems on or off a job from your use of illegal drugs or alcohol?” House Ex. 69(b) (PORT000000240-41).

837. At some point between April 27, 1994 and July 6, 1994, in connection with a possible nomination to the United States District Court for the Eastern District of Louisiana,

Judge Porteous signed a completed Supplemental SF-86. House Ex. 69(b) (PORT000000297-98); *see also* Stipulation 168 & 170.

838. The Supplemental SF-86 asked detailed questions, including “Please list all of your interests in real property” and “Have you or any firm, company or other entity with which you have been associated ever been convicted of a violation of any Federal, state, county, or municipal law, regulation or ordinance?” House Ex. 69(b) (PORT000000297).

839. The last question on the Supplemental SF-86, No. 10S, states “Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause embarrassment to you or to the President if publicly known? If so, please provide full details.” House Ex. 69(b) (PORT000000298).

840. Judge Porteous dated and signed an affirmation which read “I understand that the information being provided on this supplement to the SF-86 is to be considered part of the original SF-86 dated April 27, 1994 and a false statement on this form is punishable by law.” House Ex. 69(b) (PORT000000298).

841. Bobby Hamil was an FBI agent for twenty five years, having served between 1983 and 2008. Senate Vol. III at 902:10-14; 931:09-10 (Hamil).

842. Hamil testified that, as an FBI agent, he reviewed various completed SF-86’s in preparation for interviews. Senate Vol. III at 940:17-20 (Hamil).

843. Hamil testified that, in his experience, he could not recall a single instance where a candidate responded with an affirmative answer to the question regarding whether “there is anything in your life that could cause embarrassment to you or to the President if publicly known.” Senate Vol. III at 940:21-941:04 (Hamil).

844. Hamil testified that, in his experience, the individuals conducting the background investigations were not instructed to inquire further if they observed a negative response to the question on the SF-86 related to embarrassment. Senate Vol. III at 941:05-17 (Hamil).

845. Professor Mackenzie, an expert designated in this matter, testified that there are no guidelines as to what constitutes embarrassing information in relation to the question on the Supplemental SF-86. Senate Vol. V at 2013:08-2015:01 (Mackenzie). Mackenzie labeled this question “ambiguous” and “very difficult to apply.” *Id.* Mackenzie further stated that “history is replete with examples of people who have answered no to this question, gone into the confirmation process or sometimes even gone through successfully the confirmation process, only to have information come out later which was embarrassing to them, sometimes embarrassing to the president.” *Id.*

846. Mackenzie testified that he is not aware of any individual who has been prosecuted or removed from office for falsely answering the question posed in the Supplemental SF-86, which is the subject of Article IV. Senate Vol. V at 2021:16-22 (Mackenzie).

847. Mackenzie testified that he is not aware of any individual who has ever responded affirmatively to this question posed in the Supplemental SF-86, which is the subject of Article IV. Senate Vol. V at 2021:23-25 (Mackenzie).

FBI Background Investigation Commences

848. On April 27, 1994, Judge Porteous signed a “Memorandum for Prospective Appointees” issued to him by Bernard Nussbaum, Counsel to the President, that gave Judge Porteous’s consent to the FBI to “investigate your background or conduct appropriate file reviews in connection with the consideration of [his] application for employment.” House Ex. 69(b) (PORT000000225).

849. On June 23, 1994, the United States Department of Justice instructed the “Chief of Background Investigations” to “initiate a background investigation of [Judge Porteous], a candidate for presidential appointment as the United States District Judge” for the “Eastern District of Louisiana.” House Ex. 69(b) (PORT000000224).

850. Beginning on June 24, 1994, during its background investigation of Judge Porteous for his federal judgeship nomination, the FBI interviewed many individuals. Stipulation 176.

851. On June 30, 1994, the FBI interviewed Senator Bennett Johnston, through a staff assistant. Johnston reported that he had known Porteous “for five to ten years. The Senator thinks highly of the candidate and believes him to be well-qualified. ... Senator Johnston continues to recommend the candidate.” House Ex. 69(b) (PORT000000278).

852. On June 30, 1994, the FBI interviewed Senator John Breaux, through a staff assistant. Breaux reported that he had known Porteous “for approximately nine years. The Senator thinks highly of the candidate, both on a personal and professional basis, and considers him to be a friend. ... Senator Breaux continues to recommend the candidate.” House Ex. 69(b) (PORT000000279).

First FBI Interview of Judge Porteous

853. On or about July 6, 1994, in connection with his FBI background investigation, Judge Porteous was interviewed by the FBI, and a summary of that interview (an FBI “302”) was prepared by the FBI. Stipulation 180.

854. Prior to that date, Judge Porteous had signed his Supplement to the SF-86. Stipulation 170.

855. Hamil stated over the course of his career, he conservatively estimated that he had performed one hundred interviews relating to FBI background checks. Senate Vol. III at 931:11-18 (Hamil).

856. Hamil was one of the two agents that were involved in the interview of Judge Porteous that took place on July 6 and July 8, 1994. Senate Vol. III at 909:10-13 (Hamil).

857. Hamil stated that prior to the interview, he would have reviewed the candidate's SF-86 as well as the instructions that come from FBI headquarters for specific questioning of the candidate. Senate Vol. III at 906:10-22 (Hamil).

858. Hamil testified that there was a standard or general format that FBI agents follow in the course of interviewing candidates in relation to background checks. Senate Vol. III at 904:03-07 (Hamil). Hamil stated that the FBI utilized an acronym CARLABFAD, as a way to remember the various points they were to focus on. Senate Vol. III at 904:08-905:20 (Hamil). C referred to character or information that would adversely influence the candidate's character; A referred to associates, R referred to responsibility, L referred to loyalty to the United States, [A refers to ability], B referred to bias and/or prejudice, F referred to financial responsibility, A referred to alcohol abuse, and D referred to use of illegal drugs or the abuse of prescriptions drugs. *Id.*

859. Hamil further testified that the last question that he is instructed to ask relates to whether there is anything in the candidate's background that could be used to coerce or compromise the candidate or might subject the candidate to undue influence or would impact negatively on their reputation or character. Senate Vol. III at 905:21-906:05 (Hamil).

860. Hamil testified that he had no independent recollection of what he did during the background investigation regarding Judge Porteous and that he could not recall or visualize the

contextual situation of any of the interviews he performed relative to Judge Porteous's background check. Senate Vol. III at 907:11-15; 932:06-23 (Hamil).

861. Hamil testified that when a candidate is interviewed, they are not placed under oath, given the opportunity to review or comment on the summary write-up of the interview, that the interviewee is not given a copy of the document, and that Judge Porteous did not review the information before it was submitted. Senate Vol. III at 933:14-934:01 (Hamil).

862. Hamil testified that no audiotape or videotape was made of the interview with Judge Porteous. Senate Vol. III at 934:02-11 (Hamil).

863. The third page of the FBI interview of Judge Porteous states that "Porteous said he is not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment or discretion." House Ex. 69(i).

864. Hamil testified that the question that asks the interviewee to identify any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment or discretion is asked in the compound fashion it appears and is always asked to interviewees during background checks. Senate Vol. III at 938:01-14 (Hamil).

865. Some form of the question that asks the interviewee to identify any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment or discretion appears in over 60 interviews of various individuals within the overall background check file of Judge Porteous and not a single individual answered in the affirmative to the question. *See generally* House Ex. 69(b).

866. The fact that not a single individual answered affirmatively when asked to identify any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment or discretion did not surprise Mr. Hamil. Senate Vol. III at 939:03-07 (Hamil).

867. In Hamil's experience, in all of the interviews he has conducted where an interviewee was asked to identify any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment or discretion, he cannot recall a single individual answering in the affirmative to that question. Senate Vol. III at 939:08-21 (Hamil).

868. Hamil further testified, upon questioning from House counsel, that such negative answers were not limited to just candidates, but also to non-candidate interviews, stating "you would rarely get a positive response" and "its just about always no." Senate Vol. III at 955:18-956:20 (Hamil).

869. Hamil testified that interviewees often reveal adverse information during the course of an interview, but do not do so in response to the question asking the interviewee to identify any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment or discretion. Senate Vol. III at 956:16-957:07 (Hamil).

870. Professor Mackenzie, an expert designated in this matter, testified that the question asking the interviewee to identify any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment or discretion is asked "routinely" of "virtually everybody who is interviewed. Senate Vol. V at 2003:23-2004:11 (Mackenzie).

871. Professor Mackenzie, an expert designated in this matter, testified that he is not aware of any candidate that has ever responded affirmatively to the question asking the interviewee to identify any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment or discretion. Senate Vol. V at 2005:23-2006:01 (Mackenzie).

872. Hamil testified that if he had learned in his interview with Judge Porteous that Judge Porteous had lunch with attorneys in his legal community, that he would not necessarily have included that information in the interview summary. Senate Vol. III at 934:01-21 (Hamil).

873. Hamil testified that if he had learned in his interview with Judge Porteous that Judge Porteous had lunch with local bail bondsmen, that he would not necessarily have included that information in the interview summary. Senate Vol. III at 934:22-25 (Hamil).

874. The third page of the FBI interview of Judge Porteous states that "Porteous said that he has not abused alcohol or prescription drugs or used illegal drugs, to include marijuana, during his entire adult life. He has had no participation in drug or alcohol counseling/rehabilitation programs since age 18." House Ex. 69(i).

First FBI Interview of Louis Marcotte

875. During its background check, the FBI was made aware that Judge Porteous knew Louis Marcotte. Stipulation 177.

876. On or about August 1, 1994, Louis Marcotte was interviewed by the FBI for the first time in connection with the background check of Judge Porteous. Stipulation 171.

877. The interview summary of the FBI's interview of Louis Marcotte states that Marcotte "knows that candidate professionally and socially." House Ex. 69(b)

(PORT000000471). The interview summary further states that “Marcotte said he sometimes goes out to lunch with the candidate and attorneys in the area.” *Id.*; *see also* Stipulation 179.

878. The interview summary states that Louis Marcotte said that Judge Porteous is “really helpful and available for everybody.” House Ex. 69(b) (PORT000000471). The interview summary reports that Marcotte stated that Judge Porteous is “open-minded and fair, but is not a push-over.” *Id.*

879. The interview summary states that Louis Marcotte said “many times the family [of the accused] cannot come up with the 10%, so Marcotte goes to the judges to try to lower the bonds. He stated that 2% of money received by the bondsmen goes to the judges. He advised that the judges are willing to lower set bonds, because if they don’t the families will not be able to pay back into the court system.” House Ex. 69(b) (PORT000000471).

880. The interview summary states that Louis Marcotte said “he does not know the candidate to use illegal drugs or to abuse alcohol or prescription drugs. He advised that the candidate will have a beer or two at lunch, but he has never seen him drunk.” House Ex. 69(b) (PORT000000471).

881. Louis Marcotte testified that Porteous had a high threshold for alcohol and that after several drinks, “you wouldn’t even know he had a buzz.” Louis Marcotte Senate Dep. at 39:16-24.

882. The interview summary states that Louis Marcotte said “he has no knowledge of the candidate’s financial situation.” House Ex. 69(b) (PORT000000471).

883. The interview summary states that Louis Marcotte said that “he is not aware of anything in the candidate’s background that might be the basis of attempted influence, pressure,

coercion, or compromise or that would impact negatively on the candidate's character, reputation, judgment, or discretion." House Ex. 69(b) (PORT000000471).

884. Judge Porteous did not tell Louis to be "untruthful" with the FBI. Louis Marcotte Senate Dep. at 45:22-46:01.

FBI Interview of Robert Creely

885. On or about August 1, 1994, Robert Creely was interviewed by the FBI in connection with the background check of Judge Porteous. House Ex. 69(b) (PORT000000476).

886. The interview summary of Creely's interview with the FBI states that Creely told the FBI that he "has never known the candidate to use illegal drugs or abuse alcohol or prescription drugs." House Ex. 69(b) (PORT000000477).

887. The interview summary of Creely's interview with the FBI states that Creely told the FBI that he "was not aware of anything in the candidate's background that might be the basis of attempted influence, pressure, coercion, or compromise or that would impact negatively on the candidate's character, reputation, judgment, or discretion." House Ex. 69(b) (PORT000000477).

Additional FBI Interviews

888. The FBI conducted approximately 120 interviews in connection with the background investigation of Judge Porteous. *See generally* House Ex. 69(b).

Anonymous Sources

889. On August 8, 1994, the FBI interviewed an individual, who asked that his/her identity remain anonymous, but who is referred to as T-6, who stated that "Judge Porteous works with certain individuals in writing bonds, specifically...Louis and Lori Marcotte." House Ex. 69(b) (PORT000000526).

890. T-6 further stated that the Marcottes “frequently give the judge and his staff cakes, sandwiches, booze, and soft drinks.” House Ex. 69(b) (PORT000000526).

891. T-6 stated that “Louis Marcotte has told people that they ‘kick back’ money to Judge Porteous for reducing the bonds.” House Ex. 69(b) (PORT000000526).

892. T-6 stated that Judge Porteous ‘frequently sign[ed] bonds ahead of time for bondsmen.’ House Ex. 69(b) (PORT000000526).

893. T-6 reported that Louis Marcotte told the girlfriend of an individual who had been arrested that it would take \$12,500.00 to get [the boyfriend] out of jail” and that “\$10,000.00 of this would go to Judge Porteous for the bond reduction.” House Ex. 69(b) (PORT000000524).

894. T-6 stated that Porteous was “paid to reduce a bond” in a different case and “had been given \$1,500 to reduce a bond” in that matter. House Ex. 69(b) (PORT000000526).

895. T-6 stated that Judge “Porteous had transferred a case from another division to his [Porteous] to help [redaction follows].” House Ex. 69(b) (PORT000000526).

896. On August 12, 1994, FBI headquarters sent a teletype to the New Orleans field office of the FBI and directed the field office “to conduct interviews” of a number of individuals “to verify and corroborate” information provided by a source, who asked that his/her identity remain anonymous. House Ex. 69(b) (PORT000000478-79). In particular, the field office was directed to ask Louis Marcotte whether he was “aware of an exchange of money with Judge Porteous and others to get a bond reduction” for a specific individual. House Ex. 69(b) (PORT000000479).

Second FBI Interview of Louis Marcotte

897. On or about August 17, 1994, Louis Marcotte was interviewed by the FBI for the second time. Stipulation 172.

898. FBI Agent Bobby Hamil conducted the investigation of Louis Marcotte on August 17, 1994. Senate Vol. III at 921:15-21 (Hamil).

899. Hamil testified, that prior to his second interview with Judge Porteous, he was made aware of claims regarding Judge Porteous having improperly set bonds, received cash in exchange for bonds he had set, and that Judge Porteous had signed bonds in blank. Senate Vol. III at 942:24-943:13 (Hamil).

900. According to the FBI summary of the second interview, Louis Marcotte was “confronted with questions and information about his knowledge and relationship” of specific bond matters. House Ex. 69(b) (PORT000000513).

901. According to the FBI summary of the second interview, Louis Marcotte concluded the interview “by totally denying...arranging for a portion of the bond reduction fee to go directly to Judge Porteous as a ‘kickback.’” House Ex. 69(b) (PORT000000514).

902. Louis Marcotte testified that he “would never, you know, extort” Judge Porteous “in any kind of way.” Louis Marcotte Senate Dep. at 127:24-128:11. When pressed by House counsel on this point and asked “You wouldn’t extort him but you did have information that could potentially embarrass him to use his leverage on him?”, Louis Marcotte responded, “But I would have never leaned on him that kind of way. I would do without before I would have leaned on him in that kind of way.” Louis Marcotte Senate Dep. at 128:12-17. House counsel then asked “Did you feel that because of what you said in the FBI interview, you might be able to coerce the judge at a later date?” Louis Marcotte responded “And Ask him to do stuff for me? No, I didn’t think that at the time.” Louis Marcotte Senate Dep. at 46:10-14.

903. Louis Marcotte's conversations with the FBI on August 1, 1994 and August 17, 1994, referenced in Article II and Article IV, took place after Judge Porteous filled out his Supplemental SF-86 form. *See* House Ex. 69(b) (PORT000000503 & PORT000000513-14).

Second FBI Interview of Judge Porteous

904. On or about August 18, 1994, Judge Porteous was interviewed by the FBI a second time. Stipulation 173.

905. FBI Agent Bobby Hamil conducted the interview of Judge Porteous on August 18, 1994. Senate Vol. III at 907:22-908:04, 919:20-23, 924:01-12 (Hamil).

906. Judge Porteous denied the allegations raised by T-6. *See generally* House Ex. 69(k).

907. According to the FBI interview summary, Judge Porteous "denied that he had ever signed any bail bonds 'in blank' and stated that he was unaware of anything in his background that might be the basis of attempted influence, pressure, coercion, or compromise and/or would impact negatively on his character, reputation, judgment, or discretion." House Ex. 69(k).

908. Hamil testified that had he been aware that Judge Porteous and Louis Marcotte sometimes went to lunch together, he would not necessarily have raised that issue or asked questions related to that topic in his second interview of Judge Porteous. Senate Vol. III at 934:22-25 (Hamil).

909. The FBI did not ask any questions about Bob Creely or Jake Amato in its interviews of Judge Porteous. House Ex. 69(i) & 69(k).

910. The FBI did not ask any questions about curatorships in its interviews of Judge Porteous. House Ex. 69(i) & 69(k).

911. The FBI did not ask any questions about gifts Judge Porteous may have received in its interviews of Judge Porteous. House Ex. 69(i) & 69(k).

Note to Department of Justice

912. Hamil testified that once the field agents conduct the investigation, they send their results to FBI headquarters. Senate Vol. III at 950:22-951:03 (Bobby Hamil).

913. On August 19, 1994, a “Note to the DOJ” was sent by the FBI that stated that “the background investigation is complete.” House Ex. 69(b) (PORT000000530). The “Note to the DOJ” stated that “[a]n individual who requested total confidentiality, characterized as T-6, advised that he/she has heard that the candidate was once paid \$10,000 to reduce a bond for an individual. ... T-6 advised that an unknown female approached a bail bondsman named Lewis [sic] Marcotte to arrange for [redacted] immediate release. ... T-6 further advised that he/she heard that the candidate was paid \$1500 to reduce the bond of an individual T-6 also stated that Lewis [sic] Marcotte has told people that the candidate received ‘kick-backs’ for reducing bonds.” House Ex. 69(b) (PORT000000530).

Nomination to the Federal Bench

914. On August 25, 1994, President Clinton nominated G. Thomas Porteous, Jr. to serve as the United States District Court judge for the Eastern District of Louisiana. House Ex. (a).

Senate Judiciary Questionnaire

915. During the Senate confirmation process, Judge Porteous completed a United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees. Stipulation 182.

916. On or about September 6, 1994, Judge Porteous signed the Senate Judiciary Questionnaire. Stipulation No. 174.

917. The United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees poses very specific questions, including “Were all of your taxes current as of the date of your nomination?” House Ex. 9(f).

918. The final question, Number 11 on page 34 of the document, asked Judge Porteous to “Please advise the Committee of any unfavorable information that may affect your nomination.” House Ex. 9(f). Judge Porteous responded by stating “To the best of my knowledge, I do not know of any unfavorable information that may affect my nomination.” House Ex. 9(f).

919. Professor Mackenzie, an expert designated in this matter, testified that he is not aware of any individual who has ever responded affirmatively to a question that asks the candidate to “Please advise the Committee of any unfavorable information that may affect your nomination.” Senate Vol. V at 2027:17-18 ().

920. Mackenzie testified that he was not aware of any individual ever having been prosecuted or removed from office for falsely answering a question that asks the candidate to “Please advise the Committee of any unfavorable information that may affect your nomination.” Senate Vol. V at 2027:14-18 (Mackenzie).

Senate Judiciary Committee Investigation

921. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the staff of the Judiciary Committee of the United States Senate reviewed the FBI’s background investigation of Judge Porteous. Stipulation 184.

922. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the

Judiciary Committee of the United States Senate was specifically aware of allegations that Judge Porteous “took kick-backs” in relation to Louis Marcotte. *See* House Ex. 439(q).

923. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate was specifically aware of allegations that Judge Porteous “was living beyond his means and this might mean that he is involved in some type of criminal activity.” *See* House Ex. 439(q).

924. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate was specifically aware of allegations that Judge Porteous “has a drinking problem.” *See* House Ex. 439(q).

925. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate was specifically aware of allegations that Judge Porteous gambled on occasion. *See* House Ex. 439(q).

926. Once Judge Porteous was nominated by President Clinton to serve as a United States District Court Judge for the Eastern District of Louisiana, but prior to his confirmation, the Judiciary Committee of the United States Senate placed additional telephone calls to and interviewed Robert Creely, Donald Gardner, and Louis Marcotte, among others. *See* House Ex. 439(q).

Charles Geyh Testimony

927. Professor Charles Geyh testified that he disagrees with the statement that “perjury is an extremely sensitive problem for the judicial system, but an allegation that a judge gave

perjurious testimony in a matter unrelated to his own judicial duties and unrelated to activities occurring while he is a judge falls outside the statute authorizing disciplinary action.” Senate Vol. III at 842:04-843:02 (Geyh).

928. In response to a question about Judicial Discipline Case No. JC-04-35, which stated that “even if the alleged inconsistencies in testimony and submission to the Senate Judiciary Committee were a proper subject for a complaint, dismissal would be required...there’s no evidence that respondent intentionally misled or knowingly made false statements to the Senate,” Professor Geyh stated that “Certainly, I think the knowing nature of the wrong is a relevant consideration...I think that intent is one of the things one would look at, yeah.” Senate Vol. III at 845:22-846:01 (Geyh).

929. Professor Charles Geyh stated that the fact a judge had not been charged or disciplined for providing false information to the Senate Judiciary Committee “doesn’t surprise me, honestly.” Senate Vol. III at 848:24-849:02 (Geyh). When asked “Why wouldn’t he be – why wouldn’t he be disciplined if he lied to the Senate Judiciary Committee?,” Geyh explained that there is a “context to all cases...where you have a culmination of a long history of misconduct with a dozen different tendrils, culminating in lies to the Senate at the point of decision-making as to confirmation, that strikes me as being a reasonable thing to talk about in a larger context.” Senate Vol. III at 849:03-13 (Geyh).

930. Professor Charles Geyh stated that, in relation to the Hugo Black matter, “the fact that there are examples where prosecutors [the House] exercise their discretion not to go forward doesn’t mean all that much to me.” Senate Vol. III at 850:22-851:04 (Geyh).

Respectfully submitted,

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United States District Court Judge
for the Eastern District of Louisiana

Dated: October 1, 2010

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

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/s/ P.J. Meitl

In The Senate of the United States
Sitting as a Court of Impeachment

In re:)

Impeachment of G. Thomas Porteous, Jr.,)

United States District Judge for the)

Eastern District of Louisiana)

The House of Representatives' Proposed Findings of Fact

The House of Representatives (the "House") respectfully submits the following proposed findings of fact in support of the four Articles of Impeachment against Judge G. Thomas Porteous, Jr.:

Background

1. Judge Porteous graduated from Louisiana State University in 1968 and the Louisiana State University law school in May 1971.

See Agreed Stipulation of Fact 5.

2. From approximately October 1973 through August 1984, Judge Porteous served as an Assistant District Attorney in Jefferson Parish, Louisiana. Judge Porteous was permitted to hold outside employment while working as an Assistant District Attorney.

See Agreed Stipulation of Fact 8.

3. From January 1973 until July 1974, Judge Porteous was a law partner of Jacob Amato, Jr. at the law firm of Edwards, Porteous & Amato.

See Agreed Stipulation of Fact 9.

4. Attorney Robert Creely worked at the law firm of Edwards, Porteous & Amato for some period of time between January 1973 and July 1974.

See Agreed Stipulation of Fact 10.

5. Judge Porteous was elected to be a judge of the 24th Judicial District Court in Jefferson Parish, Louisiana in August 1984. He took the bench on August 24, 1984, and remained in that position until October 28, 1994.

See Agreed Stipulation of Fact 11.

6. On August 25, 1994, Judge Porteous was nominated by President Clinton to be a United States District Court Judge for the Eastern District of Louisiana.

Agreed Stipulation of Fact 12.

7. Judge Porteous's confirmation hearing before the Senate Judiciary Committee was held on October 6, 1994.

See Agreed Stipulation of Fact 13.

8. Judge Porteous was confirmed as a United States District Court Judge for the Eastern District of Louisiana by the United States Senate on October 7, 1994.

See Agreed Stipulation of Fact 14.

9. Judge Porteous received his judicial commission on October 11, 1994.

See Agreed Stipulation of Fact 15.

10. Judge Porteous was sworn in as a United States District Court Judge for the Eastern District of Louisiana on October 28, 1994.

See Agreed Stipulation of Fact 16.

Article I

A. The Curatorship Scheme

11. At some point while he was a state court judge, Judge Porteous began to ask Robert Creely for small amounts of money, which Mr. Creely estimated to be in the range of \$50 to \$100. These cash requests continued "for a fairly long period." Judge Porteous requested the money "for various personal issues." "[I]t would be things like tuition, different things that he needed in his – in his personal life." Mr. Creely gave Judge Porteous money in response to these requests.

See Creely SITC at 257:16-18, 298:6-9. See also HP Ex. 12 (Creely 5th Cir. Hrg. at 199); HP Ex. 440(a) (Creely Task Force Hrg. at 20) (Judge Porteous would ask for money for "tuition" and "living expenses").

12. Eventually, Judge Porteous began to request more substantial sums of money from Mr. Creely, in the range of \$500 to \$1,000. At that point, Mr. Creely told Judge Porteous, in substance, that "things had to change. We had to figure something else out, because this can't go on like this." Mr. Creely "felt imposed upon." He told Judge Porteous: "I'm tired of giving you money, I'm tired of you asking for money. This isn't what friends are supposed to do to one another."

See Creely SITC at 259:6-11, 340:17-19, 259:13-16.

13. After Mr. Creely expressed that he did not want to give Judge Porteous cash, Judge Porteous started assigning Mr. Creely curatorship cases. “[H]e then started calling [Creely] and saying, look, I’ve been sending you curators, you know, can you give me the money for the curators?” Although Mr. Creely sought to avoid linking the requests of cash with the assignment of curatorships, Judge Porteous “made [that] correlation.”

See Creely SITC at 268:2-4, 263:17. *See also* HP Ex. 440(a) (Creely Task Force Hrg. at 23) (agreeing that Judge Porteous was taking official actions in appointing curatorships to enrich himself).

14. The duties of an assigned curator were to represent the interests of an absent party. Mr. Creely did not want these curatorships, even though they involved minimal work. The work was administrative for the most part and was performed by Mr. Creely’s secretary. Mr. Creely received curatorship cases from Judge Porteous beginning in 1988 and continuing through 1994 until Judge Porteous became a federal judge. The Amato & Creely firm received approximately \$200, plus expenses, for each curatorship case that Mr. Creely handled.

See Creely SITC at 260:5; Amato SITC at 130:8-15, 130:17-20. *See also* HP Ex. 440(a) (Creely Task Force Hrg. at 21-22); HP Ex. 188.

15. Even though Mr. Creely did not want the curatorships, the fact that Judge Porteous assigned the curatorships made it “easier [for Creely] to give [Judge Porteous] cash” since it “wasn’t costing [Creely] anything.”

See Creely SITC at 271:3-8. *See also* HP Ex. 440(a) (Creely Task Force Hrg. at 23) (curatorships were a “justification to help him out so that I didn’t have to go and spend my own money on him”); HP Ex. 12 (Creely 5th Cir. Hrg. at 209-10) (curatorships were “basically a way for me to supply him funds as before instead of coming out of my pocket. It was being provided through the curatorships.”).

16. On at least one occasion, Judge Porteous called Mr. Creely’s secretary to ask about the curatorships he (Judge Porteous) had assigned. This call was particularly bothersome to Mr. Creely and evidenced in Mr. Creely’s mind that Judge Porteous linked his assignment of curatorships to Mr. Creely with his requests of cash from Mr. Creely.

See Creely SITC at 262:25 – 263:12.

17. Mr. Creely discussed Judge Porteous’s requests for curatorship proceeds with his law partner, Jacob Amato. Mr. Creely expressed his “entire dissatisfaction about giving this cash to him [Judge Porteous] and the fact that he’s calling and making a correlation between curators and cash.” In response, Mr. Amato told Mr. Creely to “[k]eep paying him, it doesn’t cost us anything, it’s not costing us any money, just if he asks for money from time to time, let’s continue giving it to him.” Mr. Creely went to Mr. Amato in part because he [Creely] “was getting tired of being leaned on and said [to Amato] [‘]I need some help, you know, you need to help out.[’]”

See Creely SITC at 264:6-9, 264:12-15, 376:9-10.

18. Mr. Amato confirmed that Mr. Creely informed him “that the judge was sending curators to him and that he would, in turn, give money to the judge.” Mr. Amato did not feel comfortable giving Judge Porteous cash from the curators, and said it would turn out badly, but was not “strong enough” to say no.

*See Amato SITC at 124:25 – 125:2, 125:23 – 126:4. See also HP Ex. 440(b) (Amato Task Force Hrg. at 99–100) (“Mr. Creely came to me one day and said that Tom – or Judge Porteous asked him for some money based upon sending curatorships. . . . Bob [Creely] would tell me Judge Porteous needs, you know, \$500, \$1,000, whatever it is for the curatorships, and we would each draw a check for whatever half the amount that he requested.”). Mr. Amato also testified before the House Impeachment Task Force that “[J]udge Porteous sent curator cases to Bob Creely and at some point asked that he be—receive some of that money.” *Id.**

19. To give money to Judge Porteous, Mr. Amato and Mr. Creely would each “take a draw check,” from their law firm’s account “either for the full amount or for something less than the full amount than was our regular draw.” Mr. Amato and Mr. Creely would thereafter cash their checks and would put the cash “in an envelope and give it to Judge Porteous.”

See Amato SITC at 127:13-16; Creely SITC at 376:13, 273:18; Amato SITC 127:16-17.

20. Mr. Amato and Mr. Creely referred to the money they were giving Judge Porteous as the “curator money.”

See Amato SITC at 216:15-19.

21. Mr. Amato had no doubt that when Judge Porteous asked for money during the period when he was sending Mr. Creely curatorships, that Judge Porteous was requesting part of the curatorship proceeds.

See Amato SITC at 127:1-4. See also HP Ex. 440(b) (Amato Task Force Hrg. at 107).

22. Mr. Amato knew that giving money to Judge Porteous was wrong and constituted a kickback.

See Amato SITC at 126:10-13. See also HP Ex. 440(b) (Amato Task Force Hrg. at 127).

23. The payments to Judge Porteous were made in cash “to avoid any kind of a paper trail,” and because Judge Porteous wanted cash.

See Amato SITC at 128:13; Creely SITC at 363:17.

24. Pursuant to Judge Porteous’s requests, Mr. Creely and Mr. Amato made the curatorship payments to Judge Porteous every few months.

Creely SITC at 341:17 (“several months between requests”); Amato SITC at 241:15-16 (“two or three times a year”).

25. Mr. Creely estimated that Judge Porteous received more than 50% of the curatorship fees. Mr. Amato also accepted the estimate that he and Mr. Creely paid Judge Porteous approximately 50% of the curatorship proceeds.

See Creely SITC at 337:5-8; Amato SITC at 129:14-15.

26. In his testimony at the Fifth Circuit Hearing, Judge Porteous confirmed the essential aspects of his receiving cash from Mr. Amato and Mr. Creely. He admitted that: (1) he received cash from Mr. Creely; (2) at some point in time, Mr. Creely expressed his displeasure with giving him cash; (3) thereafter he started assigning Mr. Creely curatorships; and (4) Judge Porteous's receipt of cash after the curatorships started was linked to his assigning Mr. Creely curatorships.

See Findings of Fact 27 through 29, below.

27. At the Fifth Circuit Hearing, Judge Porteous admitted that he received cash from Mr. Creely and Mr. Amato as follows:

Q. When did you first start getting cash from Messrs. Amato, Creely, or their law firm?

A. Probably when I was on state bench.

Q. And that practice continued into 1994, when you became a federal judge, did it not?

A. I believe that's correct.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 119).

28. Judge Porteous confirmed that he started assigning Mr. Creely the curatorships after Mr. Creely expressed resistance to giving Judge Porteous money:

Q. Do you recall Mr. Creely refusing to pay you money before the curatorships started?

A. He may have said I needed to get my finances under control, yeah.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 134).

29. Judge Porteous acknowledged essential aspects of the curatorship scheme in his Fifth Circuit testimony. He also admitted that his receipt of cash from Mr. Amato and Mr. Creely "occasionally" followed his assignment of curatorships to Mr. Creely.

Q. And after receiving curatorships, Mr. -- Messrs. Creely and/or Amato and/or their law firm would give you money; correct?

A. Occasionally.

See HP Ex. 10 (Porteous Fifth Cir. Hrg. at 130–133).

30. Even though Judge Porteous’s requests for and receipts of cash went through Mr. Creely, Mr. Amato had “no doubt” that Judge Porteous knew that the monies coming back to him were from Mr. Amato as well.

See Amato SITC at 217:2–5.

31. Mr. Amato believes that on occasion he may have personally given the curator money to Judge Porteous.

See Amato SITC at 216:25 – 217:1 (as to whether Amato gave the curator money on occasion to Judge Porteous: “I think so. I just don’t recall. But I think so.”). *See also* Creely SITC at 342:20–21, 342:24 – 343:2 (“either me or Jake” would give Judge Porteous the curator cash, and Amato “probably” did so).

32. It was well known to Judge Porteous that Mr. Amato and Mr. Creely were 50/50 law partners.

See Amato SITC at 214:24–25; Creely SITC at 249:24 – 250:1, 326:21 – 327:3, 327:13–17. *See also* HP Ex. 440(b) (Amato Task Force Hrg. at 100).

33. Judge Porteous, in questioning Mr. Amato at the Fifth Circuit Hearing, acknowledged that the curatorship money provided to Judge Porteous came from Mr. Amato in addition to Mr. Creely:

Q. [J]ust so I’m clear, this money that was given to me, was it done because I’m a judge, to influence me, or just because we’re friends?

A. Tom, it’s because we were friends and we’ve been friends for 35 years. And it breaks my heart to be here.

See HP Ex. 20 (Amato 5th Cir. Hrg. at 258–259).

34. Mr. Amato and Mr. Creely each gave Judge Porteous approximately \$10,000 in cash from the curatorship scheme.

See Amato SITC at 131:19–22 (“Over time my best, not estimate but guesstimate would be something under 20,000 or around \$20,000 over a period of 10, 12 years, 15 years, I don’t know.”); Creely SITC at 272:2–4 (“[M]y best estimate of what I gave Judge Porteous was \$10,000, while he was on the state bench.”). *See also* HP Ex. 440(b) (Amato Task Force Hrg. at 101, 108) (agreeing that the total amount was “in the neighborhood of 10 [thousand] to 20 thousand [dollars]”); HP Ex. 20 (Amato 5th Cir. Hrg. at 242, 247).

35. Available curatorship records from 1988 to 1994 show that Mr. Creely was assigned 192 curatorships by Judge Porteous during this timeframe. The fees paid to Mr. Creely, and his law firm Amato & Creely, would have started at \$150 in 1988, increased to \$200 sometime in 1988, and stayed at \$200 until 1994. The payment to Mr. Creely for the 192 curatorships that have been identified is approximately as follows:

Year	Number of Curatorships Assigned by Judge Porteous to Creely/Fee Amount per Curatorship	Total Dollar Amount
1988	18 x \$150, or 18 x \$200	\$2,700 - \$3,600
1989	21 x \$200	\$4,200
1990	33 x \$200	\$6,600
1991	28 x \$200	\$5,600
1992	44 x \$200	\$8,800
1993	28 x \$200	\$6,000
1994	20 x \$200	\$4,000
TOTAL	192	\$37,500 - \$38,400

Based on available evidence, Judge Porteous assigned curatorships to Mr. Creely resulting in the firm of Amato & Creely receiving fees amounting to at least \$37,500 from 1988 through 1994.

See House Chart 40 (previously marked as HP Ex. 190); HP Ex. 188 (Letter from Jefferson Parish Court Clerk re: curator fee amounts), HP Exs. 189(1)–(226) (Curatorships).

36. The assignment of curatorships to Mr. Creely and the requests for cash from the curatorship proceeds by Judge Porteous came to an end when Judge Porteous took the federal bench in October 1994.

See Amato SITC at 130:17-23; Creely SITC at 275:9-12.

B. Lunches and Other Things of Value

37. When Judge Porteous was a state court judge, Mr. Amato took him to lunch “on a regular basis[;] . . . a couple times a month,” amounting to “potentially hundreds of lunches.” The restaurants to which Mr. Amato took Judge Porteous included the Beef Connection, the Red Maple, Bertucci’s, Christy’s, Antoine’s, Smith & Wolensky’s and Galatoire’s. Mr. Amato paid for food and drink – typically “at least two” vodka drinks for Judge Porteous and sometimes more. Mr. Amato, or other attorneys who may have been in attendance, paid for all but a handful of these lunches, with Judge Porteous paying “rarely,” that is, a “couple of times, two, three times out of a hundred.”

See Amato SITC at 119:9-12, 122:7-9, 121:9-11, 122:16, 210:12-13. See also HP Ex. 20 (Amato 5th Cir. Hrg. at 255).

38. When Judge Porteous was a state court judge, Mr. Creely took him to lunch approximately twice a month. Mr. Creely believed that Amato took Judge Porteous out to lunch more frequently than he (Creely) did. When Mr. Creely and Judge Porteous went to lunch together, either Mr. Creely paid, or someone else paid, “but not Judge Porteous.”

See Creely SITC at 252:10-12, 254:5-9.

39. Both Mr. Amato and Mr. Creely also took Judge Porteous on hunting and fishing trips where they paid all pertinent costs for Judge Porteous. Mr. Creely invited Judge Porteous to attend, and Mr. Creely paid for, hunting trips to Mexico and also trips to Mr. Creely's house boat. Judge Porteous accepted these invitations but never paid.

See Creely SITC at 254:17 – 257:5; Amato SITC at 122:19 – 124:5.

40. In or about late 1994, Mr. Amato and Mr. Creely paid for a portion of an “investiture party” in honor of Judge Porteous becoming a federal judge.

See Danos SITC at 872:2-15 (estimating the attorneys put in about “\$500 each” toward the party).

41. In the summer of 1994, Judge Porteous, through his secretary Rhonda Danos, collected money from attorneys – including Mr. Amato and Mr. Creely – to give to his son Timothy Porteous, for an externship in Washington D.C. Specifically, Judge Porteous asked Ms. Danos to get “sponsors” for his son’s externship.

See T. Porteous SITC at 1243:25 – 1244:9 (“I remember the conversation [Judge Porteous] had had, that he came home and said Bob [Creely] and uncle Jake [Amato] gave you some money, and they said to have a great time and enjoy the experience.”); Danos SITC at 872:19 – 874:5 (describing her phone calls to attorneys, including Amato and Creely, and others seeking money for Timothy Porteous’s externship). See also HP Ex. 440(b) (Amato Task Force Hrg. at 104) (confirming that he contributed money for Judge Porteous’s son).

C. The Liljeberg Case

42. On January 16, 1996, as a Federal judge, Judge Porteous was assigned a complicated civil action, Lifemark Hospitals of La., Inc. [“Lifemark”] v. Liljeberg Enterprises, Inc. [“Liljeberg” or “the Liljebergs”]. This case involved a dispute between a hospital and a pharmacy, and involved antitrust law, bankruptcy law, real estate law, and contract law. The case was filed in 1993, and had been assigned to other judges before being transferred to Judge Porteous in January 1996. The matter was particularly contentious, with millions of dollars at stake.

See Mole SITC at 379:13-15; Amato SITC at 189:14-19. See also HP Ex. 50 (Pacer Docket Report at p. 5 (Docket No. 1), p. 20 (Docket No. 190)).

43. The Liljeberg case was set for a non-jury trial before Judge Porteous, beginning on November 4, 1996. On September 19, 1996, approximately six weeks prior to the scheduled trial date, the Liljebergs filed a motion to enter the appearances of Jacob Amato and Leonard Levenson as their attorneys. Judge Porteous granted the motion on September 26, 1996.

See HP Ex. 51(a) (Motion to Substitute Counsel); HP Ex. 51(b) (Order).

44. Mr. Amato was hired on a contingent fee basis, and his law firm would receive 8% of any award. Mr. Amato estimated that if the Liljebergs prevailed at trial, the fee would have been between \$500,000 and \$1,000,000, but his firm would receive nothing if the Liljebergs did not prevail. The motion to enter Mr. Amato’s appearance clearly identified him with the firm

“Amato and Creely.” Mr. Amato knew that one of the reasons he was retained was because of his friendship with Judge Porteous.

See Amato SITC at 133:2-11, 134:13-15, 220:7-8. *See also* HP Ex. 51(a) (Motion to Substitute Counsel) (listing Mr. Amato as being with the law firm Amato & Creely, P.C.); HP Ex. 52 (Motion to Recuse at 3) (stating that Levenson and Amato were to receive a contingent fee).

45. The decision by the Liljebergs to add Mr. Amato and Mr. Levenson so close to the trial date aroused the concerns of Lifemark’s lead counsel, Joseph Mole. As a result of these concerns, Mr. Mole asked other persons about their knowledge of the attorneys and their relationship with Judge Porteous. After speaking to several individuals, Mr. Mole “developed some serious concerns that Mr. Amato and Mr. Levenson’s presence in the case would be a problem that would keep the case from having a fair result.”

See Mole SITC at 383:11-14.

46. On October 1, 1996, Mr. Mole, on behalf of his client Lifemark, filed a motion to recuse Judge Porteous. Mr. Mole has described his motion as arguing that “the entry of two of [Judge Porteous’s] closest friends into the case at that late time when the Liljebergs already had at least four law firms involved on their side who knew the case very well would create an appearance of impropriety, so I asked him to step down.” Mr. Mole drafted the motion carefully, alleging in substance “that there was a close relationship between Judge Porteous and Mr. Amato and Mr. Levenson, that they were known to socialize together, that Mr. Amato and the judge had been law partners and that the timing created suspicion that it was the best thing for the judge to do, to avoid the appearance of impropriety, to step aside.”

See Mole SITC at 384:18-23, 385:3-7, 385:16-23, 432:22-23 (stating that “[t]his is the only motion to recuse I’ve ever been involved with”). *See also* HP Ex. 52 (Memorandum in Support of Motion to Recuse); HP Ex. 440(c) (Mole Task Force Hrg. at 141-142) (describing his motion as arguing “that the judge shouldn’t be handling a case where two of his closest friends, if not his very closest friends, had just signed up 6 weeks before trial, whose facts had been in litigation since 1987 in one court or another, and that I didn’t believe they had anything to add, other than their relationship with the judge, and that if the result came out in a certain way, it would create an appearance that things had not been right”).

47. Lifemark’s recusal motion did not allege an actual conflict of interest or that Mr. Amato (or his partner Mr. Creely) had given money to Judge Porteous because Lifemark’s counsel (Mr. Mole) had no idea what, if anything, Mr. Amato (or Mr. Creely) had ever given to Judge Porteous. If Mr. Mole had known that fact, he would have raised it.

See Mole SITC at 385:24 – 386:10. *See also* HP Ex. 65 (Mole 5th Cir. Hrg. at 169-170).

48. The Liljebergs filed their Opposition, dated October 9, 1996, which was signed by Mr. Levenson; Lifemark filed its Reply to the Opposition, dated October 11, 1996; and the Liljebergs filed a Memorandum in Opposition to Lifemark’s Reply, dated October 15, 1996, again signed by Mr. Levenson. That final pleading attacked Lifemark’s factual allegations, not because they were untrue, but because they were unproven, lacked specificity, and, in essence, alleged nothing more than the existence of “a friendly relationship.”

See HP Ex. 53 (Liljebergs' Opposition to Lifemark's Motion to Recuse); HP Ex. 54 (Lifemark's Reply to Liljebergs' Opposition); HP Ex. 55 (Liljebergs' Opposition to Lifemark's Reply at 2).

49. On October 16, 1996, Judge Porteous held a hearing on the recusal motion. Both Mr. Amato and Mr. Levenson were present. In that hearing, Judge Porteous made no disclosure of the kickback arrangement that he had previously enjoyed with Mr. Amato. Instead, Judge Porteous made the following statements:

The Court: Let me make also one other statement for the record if anyone wants to decide whether I am a friend with Mr. Amato and Mr. Levenson, I will put that to rest for the answer is affirmative, yes. Mr. Amato and I practiced the law together probably 20-plus years ago. Is that sufficient? . . . So if that is an issue at all, it is a non-issue.

* * *

Mr. Mole: I am happy to tell the Judge what the public perception is of the relationship.

* * *

Mr. Mole: I don't know what the Court wants to do with that issue, whether or not the Court wants to make a statement or accept the statement.

The Court: No, I have made the statement. Yes, Mr. Amato and Mr. Levenson are friends of mine. Have I ever been to either one of them's house? The answer is a definitive no. Have I gone along to lunch with them? The answer is a definitive yes.

* * *

Mr. Mole: The public perception is that they do dine with you, travel with you, that they have contributed to your campaigns.

The Court: Well, luckily I didn't have any campaigns. So I'm interested to find out how you know that. I never had any campaigns...

* * *

The Court: The first time I ran, 1984, I think is the only time when they gave me money.

* * *

The Court: [T]his is the first time a motion for my recusal has ever been filed. ... I guess it got my attention. But does that mean that any time a person I perceive to be friends who I have dinner with or whatever that I must disqualify myself? I don't think that's what the rule

suggests. ... Courts have held that a judge need not disqualify himself just because a friend, even a close friend, appears as a lawyer.

* * *

The Court: Well you know the issue becomes one of, I guess the confidence of the parties, not the attorneys. . . . My concern is not with whether or not lawyers are friends. . . . My concern is that the parties are given a day in court which they can through you present their case, and they can be adjudicated thoroughly without bias, favor, prejudice, public opinion, sympathy, anything else, just on law and facts. ...

I have always taken the position that if there was ever any question in my mind that this Court should recuse itself that I would notify counsel and give them the opportunity if they wanted to ask me to get off. ...

[In the Bernard case] the court said Section 450 requires not only that a Judge be subjectively confident of his ability to be even handed but [that an] informed, rational objective observer would not doubt his impartiality. ... I don't have any difficulty trying this case. ...

[I]n my mind I am satisfied because if I had any question as to my ability, I would have called and said, "Look, you're right."

See HP Ex. 56 (Recusal Hearing Transcript at 4, 6-7, 8, 10-11, 17-19).

50. During the recusal hearing, Judge Porteous discussed the issue of whether the attorneys had given him campaign contributions and challenged Mr. Mole on that issue:

[D]on't misstate, don't come up with a document that clearly shows well in excess of \$6,700 with some innuendo that that means that they gave that money to me. If you would have checked your homework, you would have found that that was a Justice for all Program for all judges in Jefferson Parish. But go ahead. I don't dispute that I received funding from lawyers.

See HP Ex. 56 (Recusal Hearing Transcript at 10).

51. Judge Porteous denied the recusal motion after the argument in open court on October 16, 1996. The written opinion signed the following day stated:

On Wednesday, October 16, 1996, the court heard oral argument on Lifemark Hospitals, Inc.'s Motion to Recuse. The Court, having reviewed the motion to recuse, the opposition, the reply, and the response to the reply and having heard oral argument, for reasons stated in open court denies the Motion to Recuse.

See HP Ex. 57 (Judgment at 1).

52. Lifemark sought a writ of mandamus from the Fifth Circuit. That petition was also denied.

See HP Ex. 58 (Lifemark's Petition for Writ of Mandamus); HP Ex. 59 (Order Denying Petition for Writ of Mandamus).

53. Judge Porteous never disclosed – either at the recusal hearing or anytime thereafter – the fact that Mr. Amato and Mr. Creely, through the curatorship scheme, had given him thousands of dollars in cash. Mr. Amato believed that Judge Porteous was at that time “obligated” to have done so, that Judge Porteous’s failure to disclose that financial relationship at the recusal hearing was “dishonest,” and, indeed, that Judge Porteous should have recused himself. Mr. Amato also thought that Judge Porteous’s statements, concerning the fact that the only time he received cash from Mr. Amato and Mr. Levenson involved modest campaign contributions, were “misleading” in that Judge Porteous did not disclose the cash he had received directly from Mr. Creely and Mr. Amato.

See Mole SITC at 385:24 – 387:1; Amato SITC at 230:3-6, 138:1-2, 144:10-13. *See also* HP Ex. 440(b) (Amato Task Force Hrg. at 103) (agreeing that monies given from Amato and Creely to Judge Porteous was a “material fact that would have been relevant to Joseph Mole and Lifemark”).

54. Mr. Amato himself did not make any disclosures at the recusal hearing. He described the consequences of disclosure as follows: “I would be disbarred, my law partner would be disbarred and that the judge would be sanctioned or defrocked, derobed by the judicial commission. At the time they were two of my best friends.” Mr. Amato thus left the decision as to what would be disclosed to Judge Porteous, because “[t]he judge knew as much as I knew.”

See Amato SITC at 139:4-8, 138:17-18. *See also* HP Ex. 440(b) (Amato Task Force Hrg. at 103); HP Ex. 20 (Amato 5th Cir. Hrg. at 248–249).

55. With Mr. Amato (and Mr. Levenson) remaining silent in the courtroom, the few factual disclosures about the relationship between Judge Porteous and Mr. Amato (and Mr. Levenson) were made by Judge Porteous, and these were limited to the statements that he was “a friend with Mr. Amato and Mr. Levenson,” had been a former law partner with Mr. Amato, had “gone along to lunch with them” but had not “been to either one of them’s house,” and that the first time he ran for judge was “the only time when they gave me money.” Judge Porteous did not mention that Mr. Amato, through his firm Amato & Creely, had given him thousands of dollars in cash, including monies funded through the assignment of curatorships to Mr. Creely. Judge Porteous did not address Mr. Mole’s specific statement that he [Mole] had heard Judge Porteous had traveled with the attorneys, and thus did not disclose, for example, that he had been hunting and fishing with Mr. Amato and Mr. Creely as their guest on several occasions. Judge Porteous also did not disclose that Mr. Amato and Mr. Creely had helped pay for his party to celebrate his appointment to the federal bench or had given money to help support Judge Porteous’s son in connection with the summer 1994 externship.

See HP Ex. 56 (Recusal Hearing Transcript at 4, 7–8). *See also* T. Porteous SITC at 1240:15-24 (testifying that his relationship with Mr. Amato and Mr. Creely has been a “best friend, family

relationship”), 1250:14-24 (testifying that Creely used to come over to the Porteouses’ house for parties).

56. By suggesting merely that he had “dinner with” or “gone along to lunch with” the two men, with no elaboration, Judge Porteous affirmatively concealed what was really the truth: that Mr. Amato (and Mr. Amato’s partner Mr. Creely) had paid for hundreds of his lunches and dinners at expensive restaurants for a decade or longer for which Judge Porteous virtually never reciprocated. Judge Porteous diverted the hearing from the true issues raised in the recusal motion to the issue of whether the attorneys had given him campaign contributions – denying that fact – and criticizing Lifemark’s attorney for raising the issue.

See HP Ex. 56 (Recusal Hearing Transcript at 7, 11).

57. Lifemark, having lost the recusal motion, felt that it was necessary to “level the playing field,” and thus hired Don Gardner, another close friend of Judge Porteous, to be part of its trial team. Lifemark’s pleading to the court entering the appearance of Mr. Gardner was date-stamped March 11, 1997. Mr. Gardner, who had little to no federal court / complex litigation experience, was brought in solely because he was a friend of the judge.

See Mole SITC at 390:5-7, 390:9 – 392:8. *See also* HP Ex. 65 (Mole 5th Cir. Hrg. at 174, 177–180); HP Ex. 60(a) (Motion of Lifemark to Enroll Additional Counsel of Record).

58. Mr. Gardner also gave cash to Judge Porteous when Porteous was a state court judge.

See Gardner SITC 1586:7, 1618:6-7.

59. Judge Porteous admits in his Fifth Circuit testimony that Mr. Gardner gave him cash.

See HP Ex. 32 (Gardner 5th Cir. Hrg. at 461) (questioning by Judge Porteous).

60. 53.3 Mr. Gardner was also given curatorships by Judge Porteous.

See Gardner SITC 1589:5-7.

61. Judge Porteous admits in his Fifth Circuit testimony that he gave Mr. Gardner curatorships.

See HP Ex. 32 (Gardner 5th Cir. Hrg. at 463) (questioning by Judge Porteous).

62. Mr. Gardner contributed to Judge Porteous’s son’s externship in Washington D.C. in 1994. Mr. Gardner also testified that Mr. Creely called him complaining about being asked to contribute to Judge Porteous’s son’s externship.

See Gardner SITC 1589:17-24, 1590:5-25.

63. Judge Porteous conducted a bench trial in the Liljeberg case in June and July 1997.

See HP Ex. 50 (PACER Docket Report at pp. 39–41).

64. At the conclusion of the trial in July of 1997, Judge Porteous took the case under advisement. He did not issue his opinion until April 26, 2000, nearly three years after trial.

See HP Ex. 50 (PACER Docket Report at p. 44 (Docket Nos. 471–472)).

65. Mr. Amato continued to take Judge Porteous to lunches after the Liljeberg trial ended and prior to Judge Porteous issuing his written decision in that case. The restaurants where Mr. Amato took Judge Porteous included Ruth's Chris Steak House, the Beef Connection, Andrea's, and Emeril's.

See HP Ex. 440(b) (Amato Task Force Hrg. at 103–104).

66. From May 1999 to April 2000 (during which time the Liljeberg case was pending), the following chart reflects some of the meals attended by Judge Porteous and paid for by Mr. Amato as reflected on Amato's credit card statements and his calendars.

Date	Restaurant	Amount	Calendar Notes
05/05/99	Sal and Sam's Metairie	\$56.45	"Tom Porteous"
05/26/99	Cannon's Restaurant	\$28.40	"GTP Parking \$5"
06/16/99	Ruth's Chris #2 Steak House	\$154.57	"G.T.P. Parking \$7" [PAID BY CREELY]
06/22/99	Ruth's Chris #1 Steak House	\$98.06	"Tom Porteous Parking \$3"
06/29/99	Red Maple Restaurant	\$52.48	"GTP" [PAID BY CREELY]
07/29/99	Sal and Sam's Metairie	\$37.50	"GTP"
08/02/99	Omni Hotels	\$45.82	"G.T.P. - \$4 Parking"
08/12/99	Crescent City Brewhouse (3 separate charges)	\$242.03, \$29.64, \$30.46	"G.T.P Parking \$8"
09/13/99	Metro Bistro	\$44.00	"GTP- Parking \$5"
10/04/99	Andrea's Restaurant	\$244.78	"GTP- Parking \$15"
12/06/99	Ruth's Chris #1 Steak House	\$299.41	"GTP Parking \$10"
12/28- 29/99	Canon's Restaurant	\$80.24	"G.T.P." [Calendar entry unclear as to which date]
01/12/00	Beef Connection	\$206.68	"G.T.P.;"
01/25/00	Dickie Brennan Steak	\$233.50	"G.T.P.- Parking \$4"
02/09/00	Bruning's Restaurant	\$60.61	"Porteous"

Date	Restaurant	Amount	Calendar Notes
03/01/00	Dickie Brennan Steak	\$124.29	"G.T.P. \$5"
03/29/00	Red Maple	\$160.83	GTP
04/05/00	[no corresponding restaurant charge in New Orleans]		"GTP & Crew \$145"
04/17/00	Beef Connection	\$101.37	"G.T.P" [PAID BY CREELY]

See HP Ex. 21(b) (Jacob Amato calendars, 1999–2001); HP Ex. 21(c) (Jacob Amato credit card records).

67. In connection with his son Timothy's bachelor party, Judge Porteous went on a trip to Las Vegas, Nevada from May 20-23, 1999, while Liljeberg was pending, with several of his friends, including Mr. Creely and Mr. Gardner. Mr. Creely paid for Judge Porteous's hotel room and some incidental room charges, and he also paid for a portion of Timothy's bachelor party dinner at the Golden Steer. These payments amounted to more than \$1,100. During that trip, Mr. Creely accompanied Judge Porteous and others to a strip club, where Mr. Creely gave a club employee \$200 to pay for a lap dance for Judge Porteous and a courthouse employee.

See Creely SITC at 289:23 – 290:2, 289:17-22, 354:1-10, 291:7-18. See also HP Ex. 377 (Caesars Palace Record reflecting that Creely signed for Judge Porteous's room charges); HP Ex. 378 (consisting of: (1) Caesars Palace records reflecting Judge Porteous's room charges including charges of \$86.11, \$86.11 and \$378.70, and (2) the Amato & Creely corporate American Express statement for May 1999 showing charges for \$86.11, \$86.11, and \$378.70 – from Judge Porteous's hotel room at Caesars Palace – and for \$560.58 – from Creely's payment at the Golden Steer bachelor party dinner – for a total in excess of \$1,100, which did not include other payments Creely made on Judge Porteous's behalf on that trip).

68. Judge Porteous admitted in his Fifth Circuit testimony that Mr. Creely paid for his hotel room on the May 1999 Las Vegas trip.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 140) ("It appears Mr. Creely paid for [my room].").

69. On June 29, 1999 – after his son's wedding and prior to issuing his decision in Liljeberg – Judge Porteous solicited approximately \$2,000 to \$2,500 from Mr. Amato while the two men were on a fishing trip. Mr. Amato described Judge Porteous's request as follows:

We were standing on the front of Mitch Martin's boat, his rather large boat, and we were both drinking, the judge was not hysterical, but he was very upset that his son's wedding was coming up soon and that he didn't have enough money to put the kind of wedding on that he thought he should. I don't know if he was – for the – half the rehearsal party or whatever. But he had some – some wedding-related reason why he needed some cash to go farther with the wedding plans.

See Amato SITC at 141:5-14. See also HP Ex. 440(b) (Amato Task Force Hrg. at 104) (fishing trip occurred on June 29, 1999); HP Ex. 283 (Amato's June 1999 calendar showing the name "Mitch Martin" written in the box for June 29, 1999); HP Ex. 440(b) (Amato Task Force Hrg. at 104–105)

("It was a weekday, and a friend of mine has a fairly large boat So we went fishing that night. Judge Porteous was drinking. We were standing on the front of the boat, the two of us, and he was—I don't know how to put it. He was really upset. He was—had a few drinks. He said, "My son's wedding was more than I anticipated. The girl's family can't afford it. I invited too many guests. Would I lend him, give him, provide him, however you want to call it, something, like \$2,500, to pay for part of the wedding or the after-rehearsal party of something?"); HP Ex. 20 (Amato 5th Cir. Hrg. at 240).

70. Mr. Amato subsequently gave Judge Porteous \$2,000 in cash in an envelope.

See Amato SITC at 141:23-24.

71. Mr. Creely recalled the incident in similar terms as Mr. Amato. Mr. Creely testified:

There was a fishing trip that I wouldn't go on, didn't want to go on. And Judge Porteous and Mr. Amato went on this fishing trip. In general – I don't remember word for word how it went. It was 11 years ago. But the judge and he ended up in some sort of a conversation, either on the front or the back of the boat where the judge became – loss of words, became emotional about not being able to satisfy or pay for the obligation that he needed money for and asked Jake Amato to help him out. And that was what was related to me.

See Creely SITC at 294:4-14.

72. Part of Mr. Amato's motivation to give Judge Porteous the money that Judge Porteous requested was the fact that the Liljeberg case was pending:

Q. Let me ask you now, Mr. Amato, did the fact that you stood to make a lot of money enter your head when he asked you for the cash?

A. It did, yes, it did.

See Amato SITC at 142:23 – 143:1, 232:23 – 233:21 (testifying that part of the reason he gave Judge Porteous money was "because he was a federal judge").

73. When asked to quantify how much of his motivation to give Judge Porteous the money was based on friendship and how much was based on the fact that this was a federal judge sitting on a case worth a potential half million to a million dollars, Amato answered: "20 percent because he was a federal judge."

See Amato SITC at 233:9-21.

74. Judge Porteous, testifying in the Fifth Circuit hearing, admitted that he actually received money from Mr. Amato for the purposes Mr. Amato described, and that the money was received in an envelope.

Q. Do you recall in 1999, in the summer, May, June, receiving \$2,000 for [sic: should be "from"] them?

A. I've read Mr. Amato's grand jury testimony. It says we were fishing and I made some representation that I was having difficulties and that he loaned me some money or gave me some money.

Q. You don't – you're not denying it; you just don't remember it?

A. I just don't have any recollection of it, but that would have fallen in the category of a loan from a friend. That's all.

* * *

Q. [W]hether or not you recall asking Mr. Amato for money during this fishing trip, do you recall getting an envelope with \$2,000 shortly thereafter?

A. Yeah. Something seems to suggest that there may have been an envelope. I don't remember the size of an envelope, how I got the envelope, or anything about it.

* * *

Q. Wait a second. Is it the nature of the envelope you're disputing?

A. No. Money was received in [an] envelope.

Q. And had cash in it?

A. Yes, sir.

Q. And it was from Creely and/or –

A. Amato.

Q. Amato?

A. Yes.

Q. And it was used to pay for your son's wedding.

A. To help defray the cost, yeah.

Q. And was used –

A. They loaned – my impression was it was a loan.

Q. And would you dispute that the amount was \$2,000?

A. I don't have any basis to dispute it.

Q. Your impression was that it was a loan was what you just said, correct?

A. Yes.

Q. Did you ever pay back the loan?

A. No, I didn't. I declared bankruptcy in 2001; and, of course, I didn't list it.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 121, 136–138).

75. Contrary to Judge Porteous's assertion, both Mr. Creely and Mr. Amato deny that the \$2,000 Judge Porteous requested and received was a wedding gift.

See Amato SITC at 231:3-11; Creely SITC at 359:25 – 360:8.

76. On one occasion, Ms. Danos recalled that Judge Porteous asked her to pick up an envelope from the Amato & Creely firm. When she picked up the envelope from Mr. Amato's secretary, she asked what was inside it, to which the secretary "kind of rolled her eyes back. And I said, never mind, I don't want to know."

See Danos SITC 870:9 – 871:16.

77. There is no evidence that Judge Porteous ever repaid Mr. Creely and Mr. Amato for any of the money they gave him over the years.

78. In late 1999, during the pendency of the Liljeberg case, Mr. Amato and Mr. Creely also paid for a party for Judge Porteous to celebrate his fifth year on the federal bench, at the French Quarter Restaurant and Bar, to which his former clerks and other attorneys were invited. Mr. Amato estimated they paid between \$1,000 and \$1,500.

See Amato SITC at 145:12-21; Danos SITC at 871:17-24. *See also* HP Ex. 440(b) (Amato Task Force Hrg. at 105) (at the Task Force Hearing, Mr. Amato estimated \$1,700).

79. Judge Porteous and Mr. Amato had conversations about the Liljeberg case, outside the presence of other counsel, while Judge Porteous had the matter under advisement.

See Amato SITC at 147:4-8.

80. Notwithstanding Judge Porteous's statement at the October 16, 1998 recusal hearing that: "I have always taken the position that if there was ever any question in my mind that this Court should recuse itself that I would notify counsel and give them the opportunity if they wanted to ask me to get off," he did not notify Mr. Mole of any of his post-recusal hearing (and post-trial) contacts with Mr. Amato or Mr. Creely in order to provide Mr. Mole the opportunity to move to recuse.

See Mole SITC at 399:2-19. *See also* HP Ex. 65 (Mole 5th Cir. Hrg. at 193) (testifying that he would have been "very alarmed to find out that Jake was giving money to the judge during the case as being under submission for decision by Judge Porteous"); HP Ex. 440(c) (Mole Task Force Hrg. at 145)

("All of those things were the things I—sort of things I feared were happening or would happen, but had—I had no knowledge of.").

81. On April 26, 2000, Judge Porteous issued a written opinion in the Liljeberg case, ruling in all major aspects for Mr. Amato's and Mr. Levenson's clients, the Liljebergs, and resulting in a "resounding loss" for Lifemark.

See Mole SITC at 400:17-18.

82. Lifemark appealed Judge Porteous's decision to the Fifth Circuit Court of Appeals.

See Mole SITC at 401:5-7.

83. In August of 2002, the Fifth Circuit Court of Appeals, reversed Judge Porteous's decision in most significant aspects. In doing so, the Fifth Circuit characterized various aspects of Judge Porteous's ruling as "inexplicable," "a chimera," "constructed entirely out of whole cloth," "nonsensical," "absurd," "close to being nonsensical."

See HP Ex. 63 (Fifth Circuit Opinion in Liljeberg).

84. After the case was reversed by the Fifth Circuit and remanded back to Judge Porteous, the parties settled because Mr. Mole's client did not want to go back before Judge Porteous.

See Mole SITC 404:6-11.

Article II

A. Overview – The Impact of Louisiana State Judges on the Bail Bonds Business

85. Starting in or about the late 1980s, Louis Marcotte was in the bail bonds business as the owner of Bail Bonds Unlimited ("BBU"), doing business in the 24th Judicial District Court ("24th JDC"), Jefferson Parish, located in Gretna, Louisiana. He worked closely with his sister, Lori Marcotte.

See Louis Marcotte SITC at 503:4-24.

86. In the 24th JDC where Judge Porteous presided as a state judge until October 1994, the bond-setting practices of the state judges had enormous financial impact on Louis Marcotte's bail business. If the bonds were set too high and the prisoner could not afford to pay the premium to the bondsman (typically 10% of the bond), the bondsman would make nothing. If the bond was set too low, or the prisoner was released on his personal promise to reappear, the bondsman would not make any money.

See Louis Marcotte SITC at 506:22 – 507:3.

87. In the 24th JDC, the practice of the Marcottes was that they (or their employees or agents) would interview a prisoner upon arrest, find out identifying information, the nature of the crime, and the prisoner's record, locate relatives or persons capable of posting the bond, run credit reports, and ultimately determine how much the prisoner could afford to pay in the form

of a premium. The Marcottes would use the information they were able to obtain in making a recommendation to one of the judges in the 24th JDC as to the amount of bond that the judge should set.

See Louis Marcotte SITC at 504:20 – 505:3, 523:9-14. *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 42).

88. As a general matter, the Marcottes wanted bonds to be set at the highest amount for which the individual who was arrested could afford to pay the premium, but no higher. Every time a judge set bond at the Marcottes' request, the Marcottes made money.

See Louis Marcotte SITC at 523:2-5, 524:11-16, 508:25 – 509:3.

89. The procedures in the 24th JDC during the relevant time period called for bond to be initially set by a sitting magistrate assigned to that duty. However, any judge in the courthouse could set bond, so if the Marcottes thought that the sitting magistrate would set the bond too high or too low, they would seek out a judge to set the bond at their recommended level. As Louis Marcotte explained: "[I]f the magistrate wasn't favorable, we would start calling the judges at home, you know, real early before the magistrate got there. And then, if we couldn't get in touch with them, we would go shopping in the courthouse before the magistrate set the bond."

See HP Ex. 442 (Louis Marcotte Task Force Hrg. at 43); HP Ex. 448 (Lori Marcotte Sen. Dep. at 49:2-4 ("[Sometimes] we didn't even call the magistrate if we knew it was someone that wouldn't help us."); HP Ex. 447 (Louis Marcotte Sen. Dep. at 139:22 – 140:11) (Louis went to Judge Porteous if he thought he could do better with Judge Porteous than the Magistrate, not just if the Magistrate were unavailable).

B. The Relationship Between Judge Porteous and the Marcottes

1. Meals

90. In the early 1990s, the Marcottes started to develop a relationship with Judge Porteous. They met him through Adam Barnett, another bondsman who would work with the Marcottes. Barnett was close to Judge Porteous, and the Marcottes used Barnett to approach Judge Porteous to set bonds.

See Louis Marcotte SITC at 509:7-20, 560:12 – 561:10. *See also* HP Ex. 448 (Lori Marcotte Sen. Dep. at 10:14-18); HP Ex. 447 (Louis Marcotte Sen. Dep. At 18:12-18, 23:2-4).

91. After the Marcottes started to get to know Judge Porteous, they began to take Judge Porteous to lunch, along with his secretary, Rhonda Danos. Louis Marcotte allowed Judge Porteous to bring whomever Judge Porteous wanted to bring. The meals were expensive and involved significant consumption of alcohol, particularly by Judge Porteous.

See Louis Marcotte SITC at 509:21-25, 510:16-25, 511:1-7, 512:1-7 ("lots of drinking"); Duhon SITC at 661:12-16, 663:18-25; Danos SITC at 892:12-20 ("a few times a month"). *See also* HP Ex. 448 (Lori Marcotte Sen. Dep. at 22:1-3).

92. The Marcotte lunches with Judge Porteous started in or around 1992.

See HP Ex. 448 (Lori Marcotte Sen. Dep. at 15:23 – 16:25; 60:16-25). It should be noted that former state judge Alan Green was elected in October of 1992. *See* PORT Ex. 1007 (list of judges who served on 24th JDC). In questioning Ms. Marcotte at the evidentiary hearing, defense counsel represented that Green was elected in November 1993. In response, Ms. Marcotte stated: “I thought it was sooner.” *See* Lori Marcotte SITC at 646:15-19. That colloquy confirms not only the specificity and certainty of Ms. Marcotte’s recollection as to dates that the Marcottes’ relationship with Judge Porteous and the lunches began, but the accuracy of her recollection that they started in 1992, especially in the face of a mistaken representation of fact by defense counsel.

93. Louis Marcotte estimated the lunches with Judge Porteous occurred “around once a week and sometimes twice a week” and identified the restaurants as including the Beef Connection and Ruth’s Chris [Steak House], and other “high-end restaurants.”

See Louis Marcotte SITC at 512:8-17. *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 44); HP Ex. 448 (Lori Marcotte Sen. Dep. at 66:13 – 67:6) (Ruth’s Chris Steak House, the Beef Connection, and the Red Maple).

94. To arrange these lunches, Judge Porteous would sometimes call Louis Marcotte, and Louis Marcotte would sometimes call Judge Porteous. Or, in other instances, the Marcottes would call Rhonda Danos and she would set up the lunch.

See Louis Marcotte SITC at 510:11-15. *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 44) (“It started out with me calling him for lunch. And then, as we got closer and developed a relationship, he would call and then I would call.”)

95. Louis Marcotte paid for the lunches with Judge Porteous through his company, BBU. Judge Porteous never paid for a lunch that he attended with the Marcottes.

See Louis Marcotte SITC at 514:7-16 (“none,” “never”). *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 45) (Of a hundred lunches that Judge Porteous may have attended with Louis Marcotte, Judge Porteous “didn’t pay for any.”).

96. The Marcottes wanted there to be a lot of people at the lunches because Judge Porteous liked to have people around him, and the Marcottes wanted him to have a good time. In addition, it helped the Marcottes for other judges who were guests at their lunches to see them with Judge Porteous, because it made Louis Marcotte “look like a businessman instead of a bondsman.”

See Louis Marcotte SITC at 511:8-18. *See also* HP Ex. 448 (Lori Marcotte Sen. Dep. at 61:4-11, 61:22 – 62:2, 62:15-20) (describing how a lunch would come about: “As soon as a judge gets elected, let’s try to get him at the table. Let’s try to train him. And that was an opportunity for Judge Porteous to have an entourage with him too. Let’s invite two or three judges and their staff and the table would be big like this.”).

97. No matter how many people were in attendance at the lunches, the Marcottes viewed these lunches, and the monies they spent on them, as money being spent on and for the benefit of Judge Porteous.

See Louis Marcotte SITC at 514:17-20. *See also* HP Ex. 448 (Lori Marcotte Sen. Dep. at 122:13 – 123:1); HP Ex. 447 (Louis Marcotte Sen. Dep. at 38:5 – 39:1, 137:14-21) (Louis became tired of drinking in the middle of the day when he needed to work at his business).

98. At one of the lunches, Judge Porteous helped the Marcottes form a relationship with Judge Alan Green, who was ultimately convicted of a corruption offense arising from his relationship with the Marcottes. Lori Marcotte described this lunch in her Task Force Hearing testimony as follows:

I remember setting up a lunch with some other judges and some attorneys and Judge Porteous and Rhonda, and we had – they had invited or we had invited Judge Green who was newly elected. And, I mean, it is pretty clear because that was really the first lunch where Judge Porteous had explained the concept of splitting bonds. That was kind of like the stage for everything else that would happen.

See HP Ex. 442 (Lori Marcotte Task Force Hrg. at 57); HP Ex. 448 (Lori Marcotte Sen. Dep. at 58:15-21).

2. Car Repairs

99. When Louis Marcotte was first dealing with Judge Porteous through Adam Barnett and did not have direct contact with him, Adam Barnett on occasion asked Louis Marcotte to share the expenses associated with taking care of Judge Porteous's cars, and, on occasion a portion of the bond premium for a bond that was set by Judge Porteous for Barnett would be used to pay for car repairs.

See Louis Marcotte SITC at 515:12-20. *See also* HP Ex. 447 (Louis Marcotte Sen. Dep. at 23:23 – 24:4, 95:4-12, 34:3-20, 45:4-12, 134:12-20) ("Adam and I would share the costs of the car but Porteous didn't know it was coming from me. He just through Adam was doing it.").

100. Louis Marcotte was ultimately able to "edge Adam [Barnett] out" of the relationship with Judge Porteous, and began to deal with Judge Porteous directly.

See Louis Marcotte SITC at 515:12-20.

101. After Adam Barnett was "edged out," the Marcottes, through their employees, Jeff Duhon and Aubry Wallace, began to take care of Judge Porteous's various automobiles (including those of his family). This service included picking up Judge Porteous's car to have it washed, detailed and filled up with gas, as well as more significant repairs, including tires, radios, transmission, and body work.

See Louis Marcotte SITC at 515:4-7, 516:4-11; Duhon SITC at 657:10-17 ("brakes, air conditioning, transmission and things like that"). *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 45-46); HP Ex. 448 (Lori Marcotte Sen. Dep. at 85:11-16).

102. On occasion, Mr. Duhon would go to Judge Porteous's chambers to pick up the keys so he could take care of the cars.

See Duhon SITC at 657:19-20; Griffin SITC AT 1842:7-19 (“I know [the Marcottes] were coming to get the keys” to do something with Judge Porteous’s cars).

103. Louis Marcotte would make repairs to Judge Porteous’s cars “once a month or once every three months.”

See Louis Marcotte SITC at 516:13-15; Duhon SITC at 658:10-16. *See also* HP Ex. 448 (Lori Marcotte Sen. Dep. at 60:20-24) (“His car was broken a lot.”).

104. Judge Porteous gave Aubry Wallace the security code to the courthouse parking lot, and on occasion Wallace would get the keys to Judge Porteous’s car from under the floor mat.

See Wallace SITC at 682:14-19.

105. On several occasions when Mr. Wallace returned the car to Judge Porteous, the Marcottes would leave presents in the car for Judge Porteous, such as liquor and coolers of shrimp.

See Wallace SITC at 685:23 – 686:11.

106. Louis Marcotte, through BBU, paid for all Judge Porteous’s car repairs, and Judge Porteous never reimbursed him.

See Louis Marcotte SITC at 517:25 – 18:3.

3. Trip to Las Vegas with Judge Giacobbe and Attorney Bruce Netterville

107. In or about 1992, Lori Marcotte took Rhonda Danos to Las Vegas. Judge Porteous did not attend this trip

See Lori Marcotte SITC at 610:7-17.

108. In approximately 1993 or 1994, the Marcottes paid for a trip for Judge Porteous to Las Vegas. Louis Marcotte wanted to take Judge Porteous to Las Vegas to build a better relationship with him. Also in attendance was another state judge, George Giacobbe. Louis Marcotte also had some local lawyers, including Bruce Netterville, join them. Mr. Marcotte wanted the lawyers on the trip because he knew that bail bondsmen do not enjoy a great reputation and it would not look good for Judge Porteous to be going to Las Vegas only with him.

See Louis Marcotte SITC at 518:21 – 520:5; Lori Marcotte SITC at 610:16 – 611:2. *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 46).

109. Louis Marcotte and Lori Marcotte split the costs of Judge Porteous’s trip with the attorneys and paid Judge Porteous’s secretary, Rhonda Danos, with cash. The Marcottes paid for the trip in cash “to hide it from the world.”

See Louis Marcotte SITC at 520:6-17; Lori Marcotte SITC at 611:2-14; Danos SITC at 876:20-21 (recalling being reimbursed by Marcottes for a trip, but not recalling if it were Louis or Lori, or check or cash). *See also* HP Ex. 442 (Lori Marcotte Task Force Hrg. at 56) (Lori Marcotte recalled “standing in [Danos’s] office, with another attorney, handing her the money.”).

4. Home Repairs

110. In or about 1994 – while Judge Porteous was still a state judge – Judge Porteous told Louis Marcotte that a storm blew his fence down. Mr. Marcotte sent Jeff Duhon and Aubry Wallace to do the repairs at Judge Porteous’s house. Mr. Duhon purchased the necessary materials, consisting of poles, concrete, two by fours, and boards. Louis Marcotte paid for the materials. Mr. Duhon estimated that he repaired about 85 feet of fence and that the project took about three days.

See Louis Marcotte SITC at 18:4-8; Duhon SITC at 660:17-20, 660:24-25, 659:19 – 660:6; Wallace SITC at 686:12 – 687:3. See also HP Ex. 442 (Louis Marcotte Task Force Hrg. at 46).

111. The Marcottes also invited and paid for Rhonda Danos to go on trips with them to Las Vegas, and paid for her entertainment on those trips, both when Judge Porteous was a state judge and when he was a Federal judge. They did so because she was the “gatekeeper” to Judge Porteous and because she herself handled matters associated with the bond setting process. The Marcottes would never have paid for those trips but for Ms. Danos’s status as Judge Porteous’s secretary. Judge Porteous knew that the Marcottes were paying for Ms. Danos’s trips.

See Danos SITC 895:19 – 896:18. See also HP Ex. 448 (Lori Marcotte Sen. Dep. at 22:4-22, 26:17-21 (“[W]e wanted to spend money to make her happy.”), 110:4-24 (1992 Las Vegas trip with Danos during which they flew over the Grand Canyon), 111:21 – 112:15 (provided Danos things of value because she controlled access to Judge Porteous, was the “gatekeeper,” and because she helped them with bond matters)).

C. Judge Porteous’s Actions on Behalf of the Marcottes

1. Setting Bonds

112. The Marcottes gave Judge Porteous things of value described in the prior findings to induce him to take steps in his judicial capacity on their behalf, primarily setting bonds as they requested.

See Louis Marcotte SITC at 520:21 – 521:1.

113. The Marcottes would go to Judge Porteous in cases where the bonds were set too high (and they thus needed, in effect, a bond reduction) or when the bonds had not been set at all and he was asked to set bond as an initial matter. Judge Porteous had great discretion in setting bonds.

See Louis Marcotte SITC at 521:9-18. See also HP Ex. 447 (Louis Marcotte Sen. Dep. at 74:4-8).

114. When the Marcottes would approach Judge Porteous about setting bonds, they would ask Judge Porteous to set a bond that would maximize their profits, that is, at the greatest amount that the prisoner could afford. They would produce a “worksheet” that would reflect what a defendant could afford, and they would ask Judge Porteous to “approve the worksheet.” On occasion, the Marcottes would be very specific as to how much the prisoner could afford.

See Louis Marcotte SITC at 521:19-24, 523:2-7, 524:17 – 525:1; Duhon SITC at 662:11-21.

115. Judge Porteous would make himself available to set bonds, and the Marcottes enjoyed easy access to him. The Marcottes would go by his chambers, would drop off paperwork with Rhonda Danos, or call at his house.

See Louis Marcotte SITC at 521:25 – 522:5; Duhon SITC at 661:21 – 662:10; Wallace SITC at 682:2-6 (Judge Porteous “was a judge that Mr. Marcotte would frequently interact with bonds”)

116. Judge Porteous would set bonds for the Marcottes that other judges did not want to handle.

See Louis Marcotte SITC at 525:9 – 526:2.

117. Judge Porteous would spend extra effort to figure out ways to set or reduce bonds in order to help the Marcottes. He would be inventive and take risks in “splitting bonds.”

See Lori Marcotte SITC at 650:10-19. *See also* HP Ex. 448 (Lori Marcotte Sen. Dep. at 53:5-10, 57:3-19, 114:25 – 115-14).

118. Judge Porteous knew that by setting bonds for the Marcottes, he was helping them make money.

See Louis Marcotte SITC 525:2-5.

119. An inherent and inevitable consequence of Judge Porteous’s willingness to set bonds at levels requested by the Marcottes was that some families would suffer financially by being charged the very maximum they could afford, instead of the amount that was necessary to secure a family member’s appearance in court.

120. Louis Marcotte and Judge Porteous would occasionally discuss how to defend various bond-setting policies and practices that were of value to the Marcottes, including how to justify “splitting bonds” as a way of addressing prison over-crowding.

See Bodenheimer SITC at 1306:3-18.

121. After the Marcottes took Judge Porteous to lunch or took care of his car, Judge Porteous would be “more apt to do things” for them.

See Louis Marcotte SITC at 528:8-10, 603:3-7. *See also* HP Ex. 448 (Lori Marcotte Sen. Dep. at 123:2-6) (agreeing that “because of those things [the Marcottes] were doing, Judge Porteous took the extra step every time he could exercise discretion in [their] behalf”).

122. Typically, no defense attorney or representative from the District Attorney’s Office was involved in the setting of bonds – the conversations were solely between the Marcottes and Judge Porteous.

See Mamoulides SITC 1768:22-23 (“[M]y office didn’t participate in the setting of bonds and all.”), 1800:8-11 (“[W]e stayed away. We wouldn’t recommend bond And it was always done without a DA there. That could be in the middle of the night or whatever.”), 1802:15-20

(“[W]e didn’t recommend bonds unless we were specifically asked by the sheriff’s office or somebody on a flight problem or whatever. It was done without us being there before we even got a charge. And I didn’t want my people participating in that.”). *See also* HP Ex. 448 (Lori Marcotte Sen. Dep. at 113:9 – 114:4 (no District Attorney involvement in the “vast, vast, majority of the bonds that Judge Porteous set”)); HP Ex. 447 (Louis Marcotte Sen. Dep. at 14:7-14).

123. If Judge Porteous were not a state judge, and had could not have assisted the Marcottes in setting and reducing bonds, lending his prestige, and taking judicial actions at their request, the Marcottes would not have taken him to lunch, taken him to Las Vegas, fixed his cars, or fixed his house.

See Louis Marcotte SITC at 537:12-20.

124. Louis Marcotte described the reasons he gave Judge Porteous things of value: “I wanted service, I wanted access, and I wanted to make money.” As Louis starkly put it: “He would do more when we would do more for him.

See HP Ex. 442 (Louis Marcotte Task Force Hrg. at 47); HP Ex. 447 (Louis Marcotte Sen. Dep. at 62:20-21, 123:10-25).

2. Expunging the Duhon Conviction

125. In 1993 at Louis Marcotte’s request, Judge Porteous expunged the burglary conviction of Jeffery Duhon. Duhon, an employee of the Marcottes, was also married to Lisa Marcotte (Louis’s other sister). At the time, Louis Marcotte wanted Duhon to obtain a bail bondsman’s license, but Duhon was not eligible because of the burglary conviction. Marcotte approached Judge Porteous and asked him to expunge the conviction. Pursuant to Louis Marcotte’s request, Judge Porteous did expunge the conviction. Judge Porteous’s action in expunging Duhon’s conviction was noteworthy because Duhon had been sentenced by Judge E. V. Richards, not Judge Porteous, “[s]o what [Judge Porteous] did was he took the conviction out of another section and brought it in his section and then expunged the record.”

See Louis Marcotte SITC at 528:10 – 530:20; Duhon SITC at 655:10-15. *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 48); HP Ex. 448 (Lori Marcotte Sen. Dep. at 100:12-18) (“My brother was the hound, keep going, let’s get it done, let’s get it done, let’s get it done.”).

126. Duhon had nothing to do with getting the expungement done or paying the lawyer who handled the paperwork. Louis Marcotte told Duhon that he (Marcotte) had taken care of it and Duhon had no recollection of a lawyer filing papers on his behalf.

See Duhon SITC at 665:22 – 666:16; 670:4-8.

D. The July – August 1994 Background Check of Judge Porteous

127. On August 1, 1994, Louis Marcotte was interviewed as part of Judge Porteous’s standard background check. Judge Porteous told him that the FBI was going to be coming to interview him.

See Louis Marcotte SITC at 532:10-15. *See also* HP Ex. 69(b) (FBI Background Check at PORT 472-473).

128. Louis Marcotte was initially interviewed on August 1, 1994 and told the FBI as follows:

MARCOTTE said the candidate [Porteous] is of good character and has a good reputation in general. He said the candidate is well-respected and associates with attorneys who are upstanding individuals. He does not know the candidate to associate with anyone of questionable character.

As to Judge Porteous's drinking and financial situation, the write-up reports:

He [MARCOTTE] advised that the candidate will have a beer or two at lunch, but has never seen him drunk. He has no knowledge of the candidate's financial situation.

See HP Ex. 69(b) (FBI Background Check at PORT 503-504).

129. Louis Marcotte's statement to the FBI that Judge Porteous "will have a beer or two at lunch" was false. In truth and in fact, Louis Marcotte had seen Judge Porteous drink "five, six, seven Absolut [vodka] straight up."

See Louis Marcotte SITC at 531:16 – 532:16. *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 49); HP Ex. 447 (Louis Marcotte Sen. Dep. at 39:16-21) (four or five Absolut Vodkas).

130. Louis Marcotte's statement to the FBI that he had no knowledge of the candidate's financial situation was false. In truth and in fact, Louis Marcotte knew that Judge Porteous was having financial problems. Louis Marcotte drew that conclusion from Judge Porteous's beat up cars, and knowledge of Judge Porteous's costly lifestyle, including the fact that Judge Porteous gambled a lot and drank.

See Louis Marcotte SITC at 532:23 – 533:8. *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 49) ("[B]y looking at the surroundings and the problems with the drinking and the cars and asking people for repairs and stuff like that, you know, one would think that, hey this guy is struggling. And by looking at the cars, you could see that he was struggling."); HP Ex. 447 (Louis Marcotte Sen. Dep at 139:3-5) (Louis Marcotte had never seen anybody drink as much as Judge Porteous at the lunches).

131. Louis Marcotte's statement to the FBI that he was "not aware of anything in [Judge Porteous's] background that might be the basis of attempted influence, pressure, coercion, compromise, or that would impact negatively on [Judge Porteous's] character, reputation, judgement, or discretion" was also false. Louis Marcotte was aware of his own relationship with Judge Porteous, and knew it was improper. He also believed that he was in a position to "destroy" Judge Porteous.

See Louis Marcotte SITC at 533:14 – 534:2, 603:12-17. *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 50) (acknowledging that he "was lying" not only because of his knowledge of Judge Porteous's "actions with the gambling, the drinking" but because of Louis Marcotte's

knowledge of his own relationship with Judge Porteous, which gave him leverage over Judge Porteous).

132. Louis Marcotte lied to the FBI to protect Judge Porteous and help him get his lifetime appointment, because Judge Porteous had been good to him, and also because Marcotte wanted to protect himself.

See Louis Marcotte SITC at 532:16-22, 533:9-13.

133. At a subsequent interview on August 17, 1994, the FBI interviewed Louis Marcotte about an allegation that Judge Porteous received money from an attorney to lower bail in the “Keith Kline” case. Louis Marcotte did not have first-hand knowledge of the facts in that case.

See Louis Marcotte SITC at 534: 12 – 535:1. *See also* HP Ex. 69(b) (FBI Background Check at PORT513–514).

134. Louis Marcotte’s false statements to the FBI on Judge Porteous’s behalf were part of the corrupt relationship between Marcotte and Judge Porteous, characterized by Marcotte doing things for Judge Porteous and Judge Porteous doing things for Marcotte. Louis Marcotte told the FBI in 1994 what he believed Judge Porteous wanted him to say.

See Louis Marcotte SITC at 535:6-22. *See also* HP Ex. 447 (Louis Marcotte Sen. Dep. at 55:23 – 56:1 (“Q. Did [Judge Porteous] ever ask you to lie to the FBI at that point or tell you to say specific things? A. No, he didn’t. But I think he expected me to say all good about him.”)).

135. Louis Marcotte met with Judge Porteous soon after the FBI interviews and told Judge Porteous, in substance, “thumb’s up” or that he (Marcotte) had given Judge Porteous “a clean bill of health.”

See Louis Marcotte SITC at 535:13-22). *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 51, 64) (after FBI interview he shortly thereafter met with Judge Porteous and “told him [Judge Porteous] everything that they asked about” and that he had given Judge Porteous “a clean bill of health.”).

E. Judge Porteous’s October 1994 Set-Aside of Wallace’s Felony Conviction

136. Marcotte’s employee, Aubry Wallace, had been arrested on burglary charges on May 8, 1989; he pleaded guilty to the felony charge of simple burglary on June 26, 1990 and was sentenced by Judge Porteous the same day to a suspended sentence of three years incarceration and placed on probation for two years. At the time of his May 1989 burglary arrest, Wallace was under indictment for felony drug charges (PCP and cocaine) for an offense alleged to have occurred on December 15, 1988. At the time of his guilty plea and sentence for the burglary charge, the drug charges remained outstanding. Judge Porteous did not sentence Wallace under the Article 893E of the Louisiana Code of Criminal Procedure that would permit the sentence to be set aside if Wallace successfully completed probation.

See HP Ex. 81 (*State v. Wallace*, case file for drug case); HP Ex. 82 (*State v. Wallace*, case file for burglary case).

137. On February 26, 1991, while he was on probation for the burglary conviction, Wallace pleaded guilty to the felony drug charges of possession of over 28 grams of cocaine and possession of PCP and was sentenced to five years incarceration. As a result of Wallace's incarceration on the drug charges, Judge Porteous entered an order dated December 11, 1991: "IT IS HEREBY ORDERED BY THE COURT that the subject's probation is hereby terminated unsatisfactorily."

See HP Ex. 81 (State v. Wallace, case file for drug case); HP Ex. 82 (State v. Wallace, case file for burglary case).

138. Wallace completed his sentence on the drug case and was released from prison in August of 1993.

See Wallace SITC at 705:22-23.

139. At around the time of his Judge Porteous's nomination to be a federal judge, Louis Marcotte asked Judge Porteous to set aside the felony burglary conviction of Wallace. (This incident is also discussed in the Article IV Factual Findings).

See Louis Marcotte SITC at 535 (line 23) to 536 (line 6) Louis Marcotte asked Judge Porteous, in substance, "could you get this guy's record expunged so he can become a licensed bail agent."

140. Louis Marcotte continued to press Judge Porteous to get him to set aside Wallace's conviction.

See Louis Marcotte SITC at 536:4-7.

141. Judge Porteous agreed that he would set aside Wallace's conviction after he (Judge Porteous) was confirmed.

See Louis Marcotte SITC at 536:8-12, 536:17-23. *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 51).

142. Judge Porteous set aside Wallace's conviction on October 14, 2001, after he had been confirmed by the Senate.

See Louis Marcotte SITC at 536:24 – 537:5.

143. Judge Porteous's action in setting aside Wallace's conviction was a favor that Judge Porteous did for Louis Marcotte and was worked out between Judge Porteous and Mr. Marcotte.

See Louis Marcotte SITC at 547:6-9; Wallace SITC at 690:11 – 691:18, 714:4-7. *See also* HP Ex. 442 (Louis Marcotte Task Force Hr. at 51) ("Q. Was there any question in your mind that he set aside the conviction as a favor to you? A. Yes, he did it for me.").

**F. November 1994 – Judge Porteous’s Interview by
the Metropolitan Crime Commission.**

144. In October of 1994, Mike Reynolds, the prosecutor in the courtroom in connection with the Wallace set-aside proceedings, complained to the Metropolitan Crime Commission (MCC) – a citizen’s watchdog group – that Judge Porteous had illegally set aside the conviction of Aubry Wallace.

See Goyeneche SITC at 719:6-14.

145. After receiving the allegation, Rafael Goyeneche, the President of the MCC, researched the procedural and legal background of the Wallace case.

See Goyeneche SITC at 721:17 – 722:14.

146. On November 8, 1994, 11 days after Judge Porteous was sworn in as a Federal Judge, Goyeneche, along with a colleague, interviewed Judge Porteous in his Chambers in the Federal Court building.

See Goyeneche SITC at 727:6-22. See also HP Ex. 69(b) (FBI Background Check at PORT594–597).

147. Goyeneche reduced that interview to a memorandum shortly after it occurred, and that Memorandum constitutes a fair and accurate record of what Judge Porteous said at that time.

See Goyeneche SITC at 727:24 – 728:5, 728:24 – 729:13, 730:5-15.

148. At the outset of the interview, Judge Porteous stated: “[L]ets not sugar coat anything, in other words you guys think I’m dirty.”

See Goyeneche SITC at 728:9-18. See also HP Ex. 69(b) (FBI Background Check at PORT594).

149. In the interview with the MCC, Judge Porteous falsely denied having “frequent” lunches with the Marcottes, falsely denied that the Marcottes paid his way to Las Vegas, and falsely and vehemently denied that he amended Wallace’s sentence out of friendship or at the request of Louis Marcotte. Those portions of the interview were as follows:

The Judge freely admitted that he has known Mr. Marcotte for a number of years and considers him to be a friend. We asked the Judge if he frequently ate lunch with Mr. Marcotte and provided him with the name of the two restaurants they frequent. He admitted that he has had several lunches with Mr. Marcotte, but he didn’t know if he would term his lunches with Marcotte as “frequent”. Additionally, we asked if he had traveled to Las Vegas with Mr. Marcotte and he confirmed that he had. The Judge stated that six or seven people went as a group to Vegas and Marcotte was a member of the group. The Judge when asked did Marcotte pay his way, quickly changed the subject. Porteous when asked a second time advised that Marcotte did not pay his way to Vegas.

* * *

The Judge vehemently denied that he amended the sentence out of friendship for or at the request of Louis Marcotte.

See Goyeneche SITC at 731:13 – 732:10. See also HP Ex. 69(d) (MCC Intelligence Report at PORT594–597).

150. In addition, Goyeneche believed that Judge Porteous's action in amending Wallace's sentence was unlawful and not permitted under the Louisiana sentencing laws which provide authority for a Judge to amend a sentence.

See Goyeneche SITC at 735:4-23. See also HP Ex. 69(d) (Sentencing Guidelines at PORT 672).

151. Goyeneche informed Judge Porteous that in Goyeneche's opinion, Judge Porteous's actions in amending Wallace's sentence were improper under Article 881 because that Article limits the court's discretion to amend sentences to instances prior to the beginning of the execution of the sentence, and Wallace's sentence was amended after completion of his jail term for a narcotics conviction and while he was on supervised parole. In response, "[Judge Porteous] admitted that his actions were contrary to Article 881 but defended his actions by stating that the assistant district attorney who was present in the Court should have objected to the amendment of Wallace's sentence."

See Goyeneche SITC at 736:5-16. See also HP Ex. 69(d) (MCC Intelligence Report at Port 597).

152. Judge Porteous ended the interview by telling Goyeneche to "do what you think you have to do."

See Goyeneche SITC at 737:7-11. See also HP Ex. 69(d) (MCC Intelligence Report at PORT 597).

153. The events surrounding the Wallace set aside were reported in the New Orleans Times-Picayune in a March 19, 1995 article:

U.S. District Judge Thomas Porteous, while serving his final weeks on the state bench in Jefferson Parish, illegally amended a convicted drug offender's burglary sentence and then removed it from the man's record, according to the Metropolitan Crime Commission.

See HP Ex. 119(a) (Times-Picayune article: "Amending Sentence Questioned, Federal Judge Defends Actions").

G. Judge Porteous's Relationship with Louis Marcotte and Lori Marcotte While He was a Federal Judge

1. Overview

154. When Judge Porteous became a federal judge, he could do less for the Marcottes, and, accordingly, the Marcottes did less for him. They continued to pay for some lunches and

drinks, and he assisted them by helping to recruit state judges to fill his former position as the go-to judge for the Marcottes in setting bonds.

See Louis Marcotte SITC at 537:21 – 538:20.

155. Though the Marcottes' relationship with Judge Porteous slowed down when he became a federal judge, it did not come to an end. The Marcottes continued to maintain an association with Judge Porteous, and took him to lunch, albeit less frequently. Judge Porteous "brought strength to the table" on any issues for which the Marcottes sought his assistance, particularly in maintaining and forging relationships with other state judicial officers and business executives.

See HP Ex. 442 (Louis Marcotte Task Force Hrg. at 52). *See also* Lori Marcotte SITC at 611:25 – 612:10. As Louis Marcotte explained, "It would make people respect me because, you know, I am sitting with a Federal judge." As Lori described: "So going to lunch with Judge Porteous as a federal judge, other judges in the 24th Judicial Court would view us as trusted people because we were hanging around with a federal judge."

2. Maintaining the Marcotte-Porteous Relationship

156. Louis Marcotte and Lori Marcotte continued to take Judge Porteous to lunches when he was a Federal judge – typically with others, and frequently with other state judges. The following chart reflects lunches at the Beef Connection at which Judge Porteous was in attendance in the period for which records exist and were obtained.

Date	Calendar Entry	Restaurant	Credit Card	Amount
8/6/97	No calendars located	Beef Connection	Lori Marcotte Amex	\$287.03
8/25/97	No calendars located	Beef Connection	Lori Marcotte Amex	\$352.42
11/19/97	No calendars located	Beef Connection	Lori Marcotte Amex	\$395.77
8/5/98	No calendars located	Beef Connection	Lori Marcotte Amex	\$268.84
2/1/00	"Lunch w/ Portious [sic] @ Beef Connection"	Beef Connection	Lori Marcotte Amex	\$328.94
11/7/01	"12:00 – Giacobbe & Porteous Lunch @ Beef Connection"	Beef Connection	Norman Bowley (BBU employee)	\$635.85

See HP Ex. 372(a) (August 6, 1997); HP Ex. 372(b) (August 25, 1997); HP Ex. 372(c) (November 19, 1997); and HP Ex. 372(d) (August 5, 1998). The exhibits for the last two dates also include the pertinent pages from a BBU calendar that contain a reference to Judge Porteous on the given date. *See* HP Ex. 373(c) (February 1, 2000) and HP Ex. 373(d) (November 7, 2001). The exhibits supporting the first four dates in this column include, for each date, a copy of the meal check from the Beef Connection and the pertinent page from Lori Marcotte's American

Express Card. The meal checks reflect the purchase of “Abs” or “Abso” – short for “Absolut” – Judge Porteous’s drink of choice.

3. PBUS Convention in New Orleans – July 1996.

157. In July 1996, the PBUS held its annual convention at the Hotel Sonesta in New Orleans, at which Judge Porteous was a speaker. The convention was hosted by the Marcottes, who paid for many of the expenses of that convention, including food and drinks for Judge Porteous.

See Lori Marcotte SITC at 614:12-25. See also HP Ex. 90(a) (Professional Bail Agents of the United States Mid-Year Conference Program).

4. PBUS Convention at the Beau Rivage – July 1999.

158. In July 1999, the PBUS held its annual convention at the Beau Rivage resort in Biloxi, Mississippi, at which Judge Porteous was a speaker. Again, the Marcottes paid for some of the events and entertainment at that convention. Judge Porteous’s hotel room of \$206.00 was paid by PBUS, and other food and entertainment for Judge Porteous was provided by PBUS and the Marcottes.

See Lori Marcotte SITC at 615:1-12. See also HP Ex. 90(b) (Professional Bail Agents of the United States Mid-Year Conference Program).

159. Judge Porteous did not disclose the reimbursement in connection with the July 1999 PBUS convention in his Financial Disclosure Report for calendar year 1999. In contrast, Judge Porteous did disclose the following comparable events for which he was reimbursed: (1) “Jefferson Bar Association, 4/15/99, Speaker CLE Seminar, Biloxi, Mississippi (Hotel);” (2) “Louisiana State Bar Association, 6/9-6/12/99, Speaker CLE Seminar, Destin Fla. (Hotel, Food and Mileage);” and, (3) “LSU Trial Advocacy Program, 8/9-8/11/99, Faculty Member, Baton Rouge, La (Hotel, Food and Mileage).”

See Agreed Stipulation 160. See also HP Ex. 105(a) (1999 Financial Disclosure Form).

5. Judge Porteous’s Assistance to the Marcottes

a. Helping with Justice of the Peace Charlie Kerner, Justice of the Peace Kevin Centanni and Insurance Company Representative Norman Stotts

160. Judge Porteous, well-knowing that the Marcottes had formed a corrupt relationship with him, used the power and prestige of his office as a federal judge to help the Marcottes by vouching for their honesty, vouching for their practices, and recruiting a successor.

See Findings of Fact 164–166, below.

161. Justice of the Peace Kerner was from Lafitte, Louisiana, where Rhonda Danos was from. The Marcottes set up a lunch with Kerner and Judge Porteous, through Ms. Danos, at the Beef Connection in 1997. At that lunch, Louis Marcotte took out a Louisiana law book and started telling Justice of the Peace Kerner how he could set bonds. Judge Porteous also

vouched for the Marcottes, telling Justice of the Peace Kerner that he could trust the Marcottes and that the Marcottes were good people. Justice of the Peace Kerner was uncomfortable in the relationship Judge Porteous was encouraging him to form with the Marcottes and had no interest in pursuing that relationship.

See Lori Marcotte SITC at 612:11 – 613:8. See also HP Ex. 448 (Lori Marcotte Sen. Dep. at 117:12-25); HP Ex. 447 (Louis Marcotte Sen. Dep. at 110:12 – 111:1, 112:24 – 113:1).

162. Judge Porteous also attended a lunch with Justice of the Peace Kevin Centanni and Lori Marcotte. However Centanni was not interested in commercial bonds and nothing resulted from that lunch.

See HP Ex. 448 (Lori Marcotte Sen. Dep. at 118:9-15).

163. The Marcottes also took Judge Porteous out to lunches with Norman Stotts. Stotts worked for the insurance company on behalf of which the Marcottes wrote bonds, and Stotts would decide what type of bond writing authority the Marcottes were allowed to have. He was important to the Marcottes' business. The Marcottes brought Judge Porteous to meals with Stotts "to develop trust, reputation, stability on our part, that was a good way for the insurance company to give us a high writing level." Having Judge Porteous present "made us look important."

See Lori Marcotte SITC at 613:9 – 614:11).

b. 1999 – Helping with Newly Elected State Judge Ronald D. Bodenheimer

164. In 1999, Louis Marcotte asked Judge Porteous to speak to newly elected state judge Ronald Bodenheimer on the Marcottes' behalf in order that Bodenheimer could "step into [Judge Porteous's] shoes." He told Judge Porteous: "Judge, tell this guy [Bodenheimer] I am a good guy. Tell him that commercial bonds is the best thing for the criminal justice system and that—ask him would he take—ask him would he take your spot when—because you left now and I needed somebody to step in to Porteous's shoes so I can get the same things done that I got done when Porteous was there."

See Louise Marcotte SITC at 538:24 – 539:12. See also HP Ex 442 (Louis Marcotte Task Force Hrg. at 53).

165. Judge Porteous in fact spoke to Judge Bodenheimer at Louis Marcotte's request. Prior to that conversation, Judge Bodenheimer "kind of stayed away from Louis Marcotte intentionally" because, at that time, according to Bodenheimer, "the rumor was that [Marcotte] was doing drugs." During his conversation with Judge Bodenheimer, Judge Porteous spoke highly of Louis Marcotte's honesty in the bond business, and Bodenheimer took Judge Porteous's statements seriously. As a result of that conversation, Bodenheimer began to do bonds for the Marcottes.

See Bodenheimer SITC at 1255:7 – 1256:6, 1257:24 – 1258:1, 1260:7-10.

166. The Marcottes and Bodenheimer gradually developed a relationship that took on the characteristics of the relationship that had previously existed between Judge Porteous and the Marcottes. The Marcottes began providing Bodenheimer meals, house repairs, and a trip to the Beau Rivage casino, and Bodenheimer “became helpful to the Marcottes in setting bonds.”

See Louis Marcotte SITC at 539:25 – 540:10. *See also* HP Ex. 442 (Louis Marcotte Task Force Hrg. at 53); HP Ex. 448 (Lori Marcotte Sen. Dep. at 74:13-16) (“some repairs on his house”); HP Ex. 447 (Louis Marcotte Sen. Dep. at 86:5-8, 115:21 – 116:5).

167. In March 2002, Louis Marcotte invited Judge Porteous to lunch at “Emeril’s” restaurant that Marcotte arraigned as part of an attempt to improve his relationship with newly elected State Judge Joan Benge. Louis Marcotte wanted Judge Porteous there “to talk about bail and how good it is for the system, you know, so she would start doing bonds.” Judge Bodenheimer was also in attendance at that lunch. Judge Porteous in fact joined the lunch.

See Louis Marcotte SITC at 541:17 – 542:2. *See also* HP Ex. 447 (Louis Marcotte Sen. Dep. at 112:2-9) (“I thought that, you know, by using a Federal judge sitting there, that it would accelerate the amount of bonds that they [Bodenheimer and Benge] were doing for us, you know, we’re bringing strength to the table.”).

168. Ronald Bodenheimer pleaded guilty in March of 2003 to Conspiracy to Commit Mail Fraud on a “deprivation of honest services” theory. Among the overt acts charged in the Information was that Bodenheimer:

regularly set, reduced, and split bonds underwritten by a Jefferson Parish bail bonding company in criminal cases pending before him and other judges, irrespective of whether he was scheduled for “magistrate duty”. . . . BODENHEIMER routinely set the bonds at a level requested by the bail bonding company in a manner which would tend to maximize the company’s profits; that is, by securing the maximum amount of premium money available from the criminal defendant and his family.

See Bodenheimer SITC at 1296:4-19. *See also* HP Ex. 88(d) (Superseding Bill of Information at 3).

169. The factual proffer signed by Bodenheimer stated that he “enriched[ed] himself by setting, reducing, and splitting bonds in various criminal matters pending before him as well as other judges on terms most advantageous to the bail bonding company in exchange for things of value, including meals, trips to resorts, campaign contributions, home improvements, and other things of value.”

See Bodenheimer SITC 1298:12 – 1299:8. *See also* HP Ex. 88(f) (United States v. Bodenheimer, Factual Basis at 10).

170. On April 28, 2004, Bodenheimer was sentenced to 46 months incarceration on the corruption count, to run concurrently with two other felony offenses to which he pleaded guilty.

See HP Ex. 88(h) (United States v. Bodenheimer, Judgment and Probation/Commitment Order).

6. Louis Marcotte Affidavit

171. On April 17, 2003, one month after Bodenheimer pleaded guilty, Louis Marcotte signed an affidavit prepared by Judge Porteous's attorney, and at the lawyer's request, that was designed to exculpate Judge Porteous. That affidavit stated, in pertinent part:

At no time have I ever given money or anything of value to Judge Porteous for reducing or altering any bond.

See Louis Marcotte SITC at 544:2 – 545:2. *See also* HP Ex. 280 (Louis Marcotte Affidavit).

172. Louis Marcotte believed that the affidavit was "completely false" "[b]ecause all of the meals and the cars and the wining and dining, the trips, all that was for him to do bonds."

See Louis Marcotte SITC at 545:3-6.

173. Louis Marcotte knowingly signed the false affidavit to protect and help Judge Porteous.

See Louis Marcotte SITC at 545:7-20.

7. Alan Green's Criminal Conviction

174. Judge Alan Green, was indicted September 29, 2004, along with Marcotte employee Norman Bowley, on several charges arising from Judge Green's corrupt relationship with the Marcottes. As noted above, Judge Porteous played an instrumental role in assisting the Marcottes in forming a relationship with Green when he was a state judge.

See HP Ex. 93(a) (United States v. Green, Indictment).

175. The Indictment (in Count Two) alleges that Green "engaged in a scheme to maximize BBU's and the Marcottes' profits from writing bail bonds in Jefferson Parish and elsewhere through the corruption of the defendant, ALAN GREEN;" that "in return for things of value, ALAN GREEN would make himself available to BBU; quickly respond to the requests of BBU; and set, reduce, increase, and split bonds to maximize BBU's profits, minimize BBU's liability, and hinder BBU's competition; and that "to allow BBU to maximize its profits, the defendant, ALAN GREEN, would engage in the practice of "bond splitting." . . . At BBU's request, GREEN would set the commercial portion of the bond at an amount the defendant could afford and would set the balance in some other manner. BBU would then post the commercial portion of the bond and collect a percentage of that bond as commission. This practice allowed BBU to maximize its profits and minimize its liability."

See HP Ex. 93(a) (United States v. Green, Indictment).

176. On June 29, 2005, the jury found Green guilty of Count Three of the Indictment, which incorporated by reference the scheme set forth above. Judge Green was sentenced on February 9, 2006, to 51 months incarceration, to be followed by three years of supervised release.

See Ex. 93(b)(United States v. Green, Judgment in a Criminal Case) (referencing date and counts of conviction).

II. The Bond Practices and Policies of Others

177. When former District Attorney Mamoulides took Office, public officials including the District Attorney and his assistants, had the power to set bonds. At some point after he became the District Attorney, Mamoulides received a gift certificate from a local bail bondsman, Rock Hebert. He returned it and instituted a policy that prohibited his assistants from accepting things of value from bail bondsmen. Mamoulides did not want the assistants beholden to the bail bondsmen, and thought there was something potentially corrupting in the bondsmen giving gifts to people who could set bail.

See Mamoulides SITC 1795:10-1978:1.

178. If Mamoulides had been informed that Judge Porteous was taking judicial actions to benefit the Marcottes, who were doing him favors, he would have told Judge Porteous that it was wrong.

See Mamoulides SITC 1806:17 – 1807:6.

I. Louis Marcotte's and Lori Marcotte's Guilty Pleas

179. In March 2004, Louis Marcotte pleaded guilty to Racketeering Conspiracy. That conspiracy was alleged to have commenced prior to 1991. The temporal scope of the scheme is consistent with the inception of the corrupt relationship between Marcotte and judges in the 24th JDC as having commenced with their relationship with Judge Porteous. Similarly, the Information's elaboration of the acts of the judicial conspirators describes the actions of Judge Porteous. The Information described the racketeering conspiracy, in pertinent part, as follows:

3. It was a further part of the conspiracy that, in return for things of value, certain judges would make themselves available to BBU; quickly respond to the requests of BBU; and set, reduce, increase, and split bonds to maximize BBU's profits, minimize BBU's liability, and hinder BBU's competition.

4. It was a further part of the conspiracy that, to allow BBU to maximize profits, the conspirator judges would engage in the practice of "bond splitting." . . . At BBU's request, the conspirator judge would set the commercial portion of the bond at an amount the defendant could afford and would set the balance in some other manner. BBU would then post the commercial portion of the bond and collect a percentage of that bond as commission. This practice allowed BBU to maximize its profit and minimize its liability.

See HP Ex. 71(a) (United States v. Marcotte, Bill of Information at 4).

180. Louis Marcotte was sentenced August 28, 2006 to 38 months incarceration, followed by three years supervised release.

See HP Ex. 71(c) (United States v. Marcotte, Judgment in a Criminal Case).

181. Lori Marcotte pleaded guilty at the same time as Louis Marcotte to Conspiracy to Commit Mail Fraud.

See HP Ex. 71(a) (United States v. Marcotte, Bill of Information at 14–15).

182. Lori Marcotte was sentenced August 28, 2006 to three years probation, including six months of home detention.

See HP Ex. 73(d) (United States v. Marcotte, Judgment in a Criminal Case).

183. In response to questioning by Mr. Schiff, Louis Marcotte described Judge Porteous's overall impact on the Marcottes' business as follows:

Q. Was there any judge in the courthouse who was more helpful to you in your bail bonds business than Judge Porteous?

A. I would think for the duration of the time, it would be Porteous, then it would be Green and the Bodenheimer. Bodenheimer and Green were running pretty close neck and neck

Q. And Bodenheimer and Green, did they both end up going to jail?

A. Yes they did.

See HP Ex. 447 (Louis Marcotte Sen. Dep. at 120:24-121:11).

J. Findings Addressing Certain Issues Raised by Judge Porteous

184. Judge Porteous's statute of limitations waiver permitted the Department of Justice to toll the running of the statute from April 5, 2006 through September 8, 2006. In other words, the Department, in that period, could prosecute all offenses as to which the statute of limitations had not expired as of April 5, 2006. Because the statute of limitations on relevant Federal offenses is 5 years, the tolling agreement permitted the Department to bring charges for all offenses committed after April 5, 2001. Thus, by that waiver, the Department could not have brought criminal charges based on criminal conduct committed by Judge Porteous (related either to the Marcottes or to Amato and Creely) while a state judge. In his opening statement, defense counsel stated: "Judge Porteous signed three tolling agreements to allow the government to prosecute him, regardless of the running of the statute of limitations. He waived that protection. As will be shown, the Justice Department investigated these very claims and found that they did not warrant criminal charges." To the extent counsel implied that the tolling agreement permitted the Department to prosecute crimes committed prior to April 5, 2001, that statement is inaccurate.

See PORT Exhibit 1003 (statute of limitations waivers). *See also* Title 18, United States Code, Section 3292.

185. The House was able to locate some documents reflecting bonds set by Judge Porteous in the last two months of his service as a state judge. Notwithstanding Judge Porteous's use of his summary bond chart throughout the trial, the House does not represent, and the record does not

establish, that these are all the bonds that Judge Porteous set in that time period, as opposed to these being simply some of the bonds that the House was able to locate that corroborate that Judge Porteous set bonds for the Marcottes. There is no basis to conclude that these are all the bonds Judge Porteous set for the Marcottes in that period, and no witness has testified to that fact

Article III

A. Judge Porteous's Financial Circumstances: 1996–2001

186. By the time Judge Porteous took the federal bench in October 1994, he had a history of gambling and was an “established player” at the Grand Casino Gulfport in Gulfport, Mississippi. As an established player, Judge Porteous held a \$2,000 line of credit at the Grand Casino Gulfport, which allowed him to take out \$2,000 worth of markers at the casino. After becoming a Federal judge, and prior to filing for bankruptcy in March 2001, Judge Porteous became an established player and opened up lines of credit at (1) Beau Rivage Casino in Biloxi, Mississippi, (2) Caesar’s Palace in Las Vegas, Nevada, (3) Caesar’s Tahoe, in Lake Tahoe, Nevada, (4) Casino Magic in Bay St. Louis, Mississippi, (5) Grand Casino Biloxi in Biloxi, Mississippi, (6) Isle of Capri in Biloxi, Mississippi, and (7) Treasure Chest Casino in Kenner, Louisiana. His credit limits ranged from \$2,000 to \$5,000.

See HP Ex. 326 (Porteous Central Credit Inc. Gaming Report).

187. An “established player” or “rated player” at a casino is a player who has filled out a credit application with the casino in order to open up a line of credit. Casinos will thereafter rate that player, “meaning they will keep track of how much he bets, how much he wins, how much he loses.” Rated players are thereafter able to draw on their line of credit at the casino to gamble and are also provided with “comps” from the casinos, in the form of complimentary or reduced rates on hotel rooms, or free meals and drinks.

See Horner SITC at 999:4-25. *See also* HP Ex. 441(a) (Horner Task Force Hrg. at 23).

188. From 1996 through 2000, Judge Porteous’s financial circumstances deteriorated substantially. During this period, Judge Porteous made a series of withdrawals from his Individual Retirement Account (“IRA”) in 1997, 1998, 1999 and 2000, such that his IRA account balance, which was approximately \$59,000 at year-end 1996, dropped to approximately \$9,000 by the time Judge Porteous ultimately filed for bankruptcy in March 2001. During this time, his outstanding credit card balances increased steadily and were in excess of \$198,000 when he filed for bankruptcy.

See HP Ex. 38 (Porteous IRA records); HP Ex. 127 (Porteous Bankruptcy Schedules at SC0092) (showing Judge Porteous’s liabilities owed to unsecured creditors to be \$198,246.73).

189. In the 1997 through 2000 time period, when Judge Porteous drew down on his IRA, he would receive funds by check. On these occasions, he would deposit the funds into a Fidelity money market account. On many occasions, he used this account to write checks to casinos to pay gambling debts.

See Horner SITC at 996:9 – 997:6. See also HP Ex. 383 (Porteous IRA records); HP Ex. 529 (Pre-bankruptcy checks to casinos, written from Judge Porteous’s Fidelity account); House Chart 16 (“Judge Porteous’s Use of Fidelity Account Pre-Bankruptcy to Pay Gambling Debts”).

B. Concealment of Liabilities on Financial Disclosure Reports

190. On an annual basis starting with calendar year 1994, Judge Porteous was required by law to file Financial Disclosure Reports with the Judicial Conference of the United States.

Under the Ethics in Government Act of 1978, federal judges are required by law to file annual public reports with the Judicial Conference of the United States, disclosing certain personal financial information. See 5 U.S.C. app. §§ 101(a), 101(b), and 101(f)(11)–(12). Public financial disclosure was intended to “deter some persons who should not be entering public service from doing so,” and to subject a judge’s financial circumstances to “public scrutiny.” See S. Rpt. 95-170, 95th Cong. 1st Sess. 21-22 (1977), Senate Committee on Governmental Affairs, Report to Accompany S. 555, “Public Officials Integrity Act of 1977.” (This Act became the “Ethics in Government Act” in its final form.)

191. Part VI of the Financial Disclosure Report required Judge Porteous to report liabilities by means of a letter code, the pertinent categories being “J” for liabilities of \$15,000 or less, and “K” for amounts between \$15,001 and \$50,000. The filer is required to list all liabilities to credit card companies where the balance exceeded \$10,000 at any point in the year, and to list the liabilities as of the close of the calendar year for which the Report was filed.

See Horner SITC at 969:1 – 971:7. See also, e.g., HP Ex. 103(b) (“Filing Instructions for Judicial Officers and Employees”); House Chart 34 (“Instructions as to the Reporting of Liabilities on the Financial Disclosure Forms”).

192. For calendar years 1996 through 1999, Judge Porteous filed false Financial Disclosure Reports in which he concealed the extent of his credit card debts. The following chart sets forth the debts actually disclosed by Judge Porteous, his true liabilities, and what he should have reported if he had filed an accurate form.

Year	Disclosed	Not Disclosed (December Balance)
1996	Box Checked: “None (No reportable liabilities)”	1) Citibank account, 0426 (\$14,846.47) – J [less than \$15,000]
1997	Box Checked: “None (No reportable liabilities)”	1) MBNA MasterCard 0877 (\$15,569.25) – K [between \$15,001 and \$50,000] 2) MBNA MasterCard 1290 (\$18,146.85) – K 3) Travelers 0642 (\$11,477.44) – J
1998	1) MBNA – J 2) Citibank – J	1) MBNA MasterCard 0877 (\$16,550.08) – K 2) MBNA MasterCard 1290 (\$17,155.76) – K

Year	Disclosed	Not Disclosed (December Balance)
1999	1) MBNA – J 2) Citibank – J	1) MBNA MasterCard 0877 (\$24,953.65) – K 2) MBNA MasterCard 1290 (\$25,755.84) – K 3) Citibank 0426 (\$22,412.15) – K 4) Citibank 9138 (\$20,051.95) – K 5) Travelers 0642 (\$15,467.29) – K

See Horner SITC at 971:11 – 977:3. *See also* HP Exs. 102(a), 103(a), 104(a) and 105(a) (Judge Porteous’s Financial Disclosure Reports for 1996, 1997, 1998 and 1999, respectively); HP Ex. 167 (Citibank statement for account 0426 (December 12, 1996)); HP Ex. 168 (MBNA statements for accounts 0877 (December 19, 1997) and 1290 (December 4, 1997), and Travelers account 0642 (December 30, 1997)); HP Ex. 169 (MBNA statements for accounts 0877 (December 19, 1998) and 1290 (December 4, 1998)); HP Ex. 170 (MBNA statements for accounts 0877 (closing date December 18, 1999) and 1290 (closing date December 4, 1999), Citibank accounts 0426 (closing date December 10, 1999) and 9138 (closing date December 21, 1999), and Travelers Bank account 0642 (closing date December 30, 1999)). *See also* House Charts 30–33 (re: Judge Porteous’s non-disclosure of credit card debts on his Financial Disclosure Forms).

193. Judge Porteous personally instructed his secretary, Rhonda Danos, as to how the liability section of his Financial Disclosure Reports should be prepared. As she testified: “He’d fill out the portion and I’d just copy it. . . . I’d just put exactly [on the Report] what was given to me.”

See Danos SITC at 879:23 – 880:8.

194. The Financial Disclosure Reports were signed by Judge Porteous on a signature line directly below the following certification:

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

Below Judge Porteous’s signature is the following additional warning in capital letters:

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY
FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO
CIVIL AND CRIMINAL SANCTIONS

See e.g., HP Ex. 105(a) (Judge Porteous’s Financial Disclosure Report (calendar year 1998), filed May 13, 1999). That warning cites 5 U.S.C. app. 4, § 104 which provides, in part, that the Attorney General may bring civil penalty enforcement actions (seeking damages not to exceed \$10,000), against persons who knowingly and willfully falsify a financial disclosure report.

C. Judge Porteous’s Actions – May 2000 through Early 2001

195. In the summer of 2000, Judge Porteous retained attorney Claude Lightfoot as his bankruptcy counsel. Mr. Lightfoot had never met Judge Porteous prior to representing him.

See Lightfoot SITC at 1072:24 – 1073:1. *See also* HP Ex. 441(b) (Lightfoot Task Force Hrg. at 41).

196. Mr. Lightfoot worked with Judge Porteous and his wife in the summer of 2000 to compile documentation regarding their assets and debts for the purpose of developing a workout proposal for the Porteouses' creditors in an effort to avoid a bankruptcy filing. The workout plan would have entailed a partial payment to all creditors.

See Lightfoot SITC 1071:22 – 1072:23, 1073:18 – 1075:10.

197. Throughout the time period leading up to the filing of his bankruptcy, Judge Porteous concealed from Mr. Lightfoot numerous facts, including that he gambled or had incurred gambling debts.

See Lightfoot SITC at 1074:25 – 1075:2. *See also* HP Ex. 441(b) (Lightfoot Task Force Hrg. at 42).

198. Casinos have their own credit systems and share credit information with each other. Casinos will run a "central credit report" which is "a credit report specifically aimed at gamblers and casinos and it tracks gaming activity of the casino's customers. With the central credit report a casino can determine whether or not a gambler has a good credit history at the casinos or a bad credit history at casinos." Judge Porteous had gambled at casinos for years, had filled out numerous applications at casinos, had taken out credit at casinos, and had casinos run his credit history. Judge Porteous would have known or reasonably believed that it would impact his ability to obtain credit from casinos in the future, and thereby impact his ability to gamble, if he were to default on any casino debts or if the casinos were to know that he had filed for bankruptcy. Accordingly, Judge Porteous structured his financial activities surrounding his bankruptcy, and concealed material facts from his attorney in order to conceal his gambling activities and thus preserve his ability to take out credit from casinos while he was in bankruptcy.

See HP Ex. 441(a) (Homer Task Force Hrg. at 25–26). *See also id.* at 19 ("[I]f a gambler gets a negative history on his central credit report, what happens is the other casinos generally cut him off.").

199. During the early months of his representation of Judge Porteous, Mr. Lightfoot gave Judge Porteous worksheets to fill out. Mr. Lightfoot's worksheets sought information that would ultimately be contained in a bankruptcy filing.

See Lightfoot SITC at 1073:21-23, 1074:22-24, 1076:4-7. *See also* HP Ex. 441(b) (Lightfoot Task Force Hrg. at 42).

200. Mr. Lightfoot sought from Judge Porteous information as to all of Judge Porteous's assets and debts.

See Lightfoot SITC at 1073:21-23. *See also* HP Ex. 441(b) (Lightfoot Task Force Hrg. at 42).

201. Mr. Lightfoot told Judge Porteous, as he told all his clients, not to incur any new debts, because, in Mr. Lightfoot's view, "it is not good faith for such a person [considering bankruptcy] to continue making debt."

See HP Ex. 441(b) (Lightfoot Task Force Hrg. at 42–43).

202. Among the documents that Judge Porteous provided Mr. Lightfoot in the summer of 2000 was a pay stub from May 2000 that showed Judge Porteous's net monthly income to be \$7,531.52.

See Lightfoot SITC at 1073:23-24, 1087:23 – 1088:6.

203. Judge Porteous never informed Mr. Lightfoot that he gambled or had gambling debts.

See Lightfoot SITC at 1076:21 – 1077:2, 1091:17-19. *See also* HP Ex. 124 (Lightfoot 5th Cir. Hrg. at 446); HP Ex. 441(b) (Lightfoot Task Force Hrg. at 43, 65) (“I didn’t know [Judge Porteous] gambled . . . whatsoever.”)

204. Judge Porteous never informed Mr. Lightfoot that he and his wife had a Fidelity money market account, which he used on occasion to pay gambling debts.

See HP Ex. 124 (Lightfoot 5th Cir. Hrg. at 436, 448).

205. In August of 2000, during the time that Judge Porteous was consulting with Mr. Lightfoot for the purpose of attempting a workout of Judge Porteous’s debts, Judge Porteous requested a credit limit increase at the Treasure Chest Casino from \$2,500 to \$3,000.

See HP Ex. 326 (Porteous Central Credit Inc. Gaming Report).

206. On September 28, 2000, Judge Porteous wrote a check drawn on his Fidelity money market account in the amount of \$490 to Casino Magic.

See Horner SITC at 996:12 – 997:1. *See also* HP Ex. 529 (checks written to casinos from Judge Porteous’s Fidelity account); House Chart 16 (“Judge Porteous’s Use of Fidelity Account Pre-Bankruptcy to Pay Gambling Debts”).

207. On November 30, 2000, Judge Porteous wrote a check drawn on his Fidelity money market account in the amount of \$1,600 to pay the Treasure Chest Casino. To fund that check, Judge Porteous withdrew \$3,000 (paying a 20% penalty) from his IRA on or about November 27, 2000 and deposited the proceeds – a \$2,400 check – into his Fidelity account.

See Horner SITC at 996:12 – 997:6. *See also* HP Ex. 383 (Porteous IRA records); HP Ex. 529 (checks written to casinos from Judge Porteous’s Fidelity account); House Chart 16 (“Judge Porteous’s Use of Fidelity Account Pre-Bankruptcy to Pay Gambling Debts”).

208. On December 21, 2000, Mr. Lightfoot sent Judge Porteous a copy of the workout letters that had been sent to all but one of Judge Porteous’s unsecured creditors. The workout letters listed thirteen debts owed to ten different creditors, totaling \$182,330.23.

See HP Ex. 146 (December 21, 2000 Letter from Lightfoot to the Porteouses).

209. On December 26, 2000 – five days after Mr. Lightfoot sent Judge Porteous the workout letters – Judge Porteous traveled to Caesars Lake Tahoe and took out a \$3,000 marker. Judge Porteous did not disclose to Mr. Lightfoot this gambling trip or the \$3,000 extension of credit.

See HP Ex. 380 (Caesars Lake Tahoe Records).

210. Judge Porteous periodically provided Mr. Lightfoot with updated credit card statements to reflect his current liabilities.

See Lightfoot SITC at 1105:14-18. *See also* HP Ex. 441(b) (Lightfoot Task Force Hrg. at 43).

211. Throughout the workout period, from about June of 2000 through February of 2001, Judge Porteous did not inform Mr. Lightfoot that he had in fact incurred casino debt; he concealed from Mr. Lightfoot that he possessed a Fidelity money market account, and he did not disclose to Mr. Lightfoot that he gambled.

See e.g., Finding of Fact 226 below.

212. 28. In or about late February to early March 2001, Mr. Lightfoot concluded that he would be unable to accomplish a workout, and he and Judge Porteous decided that Judge Porteous would file for Chapter 13 bankruptcy.

See Lightfoot SITC at 1075:21-25. *See also* HP Ex. 441(b) (Lightfoot Task Force Hrg. at 43).

213. Chapter 13 bankruptcies are sometimes described as “wage earner’s plans,” in that they are only available to individuals who are receiving a monthly income. There is no liquidation in a Chapter 13, and a debtor is therefore allowed to keep his property. In exchange for that opportunity, debtors must provide the bankruptcy trustee “with at least as much in value as they would have received had it been a liquidating Chapter 7 bankruptcy.”

See Keir SITC at 1184:7-12. *See also* HP Ex. 441(c) (Keir Task Force Hrg. at 68).

D. Acts Taken by Judge Porteous in the Weeks Immediately Preceding Bankruptcy

214. Once the decision to file for bankruptcy was made, in the period from approximately February 27- March 27, 2001, Judge Porteous engaged in a series of acts: (1) to pay off casinos of outstanding indebtedness so he would not have to list them as unsecured creditors; and (2) to structure certain other financial affairs in anticipation of filing for bankruptcy. The conduct culminated in Judge Porteous’s filing for bankruptcy under a false name on March 28, 2001, and filing a series of false schedules and forms on April 9, 2001.

See Proposed findings 225–226 below.

1. Grand Casino Gulfport Markers – Unsecured Creditor as of March 28, 2001

215. On February 27, 2001, Judge Porteous gambled at the Grand Casino Gulfport (“Grand Casino”) and took out two \$1,000 markers.

See Horner SITC 983:22 – 984:1. *See also* HP Ex. 301(a) (Grand Casino Gulfport Patron Transaction Report).

216. Grand Casino records reflect that the casino deposited the markers for collection at some point prior to March 24, 2001, and that Judge Porteous’s balance as of that date was \$0. However, the markers were returned as “uncollected” and the \$2,000 amount due and owing from Judge Porteous to the casino was again reflected on the Grand Casino records as of April 3,

2001. FBI Agent Horner determined that there was a problem with Judge Porteous's bank account number on the markers. Although the casino records reflect that Judge Porteous did not owe \$2,000 on March 28, 2001, in truth and in fact: (1) the casino record was in error because the markers were never properly deposited in the initial attempt, and (2) for the reasons set forth in Finding of Fact 217, Judge Porteous knew that the Grand Casino had not in fact collected on those markers as of March 28, 2001, and that the \$2,000 remained due and owing as of that date.

See Horner SITC at 983:22 – 986:16, 1003:19 – 1005:7. *See also* HP Ex. 301(a) (Grand Casino Gulfport Patron Transaction Report); House Chart 6 (“Undisclosed Creditor (Grand Casino Gulfport)”); Ex. 301(a) Grand Casino Gulfport Patron Transaction Report; Horner SITC 983-986; 1003-04.

217. On March 27, 2001, while the \$2,000 in Grand Casino markers were still outstanding, Judge Porteous deposited \$2,000 into his Bank One checking account in the form of \$1,960 cash and a \$40 check from his Fidelity account. The account otherwise would not have had sufficient funds to have paid the markers at that time. Judge Porteous made sure the deposit was exactly \$2,000 by including a \$40 check drawn on his Fidelity account along with the \$1,960 cash deposit. This deposit of the exact amount that was outstanding demonstrates: (1) that Judge Porteous was well aware that on March 27, he had outstanding indebtedness of \$2,000 to the Grand Casino Gulfport; (2) that outstanding indebtedness to a casino in the form of markers is a debt that must be reported; and (3) that he sought to make sure that the casino debt was paid and would not, therefore, have to be disclosed.

See Horner SITC at 983:22 – 986:16, 1003:19 – 1005:7. *See also* HP Ex. 301(a) (Grand Casino Gulfport Patron Transaction Report); HP Ex. 144 (Porteous Bank One Records); HP Ex. 143 (Fidelity Money Market Statement, including \$40 check); House Chart 6 (“Undisclosed Creditor (Grand Casino Gulfport)”).

218. The Grand Casino Gulfport markers cleared Judge Porteous's Bank One account on April 5 and 6, 2001, a week after he filed for bankruptcy.

See Horner SITC at 985:6-7, 1003:19 – 1004:13. *See also* HP Ex. 301(a) (Grand Casino Gulfport Patron Transaction Report); HP Ex. 144 (Porteous Bank One Records); HP Ex. 143 (Fidelity Money Market Statement, including \$40 check); House Chart 6 (“Undisclosed Creditor (Grand Casino Gulfport)”).

2. Treasure Chest Casino Markers – Preferred Payment to Creditor Pre-Bankruptcy

219. On March 2, 2001, Judge Porteous gambled at Treasure Chest and took out seven \$500 markers. He repaid four markers in chips that same day but left the casino owing \$1,500.

See Horner SITC at 986:18 – 987:6. *See also* HP Ex. 302 (Treasure Chest Customer Transaction Inquiry); House Chart 2 (“Undisclosed Payments to Creditors Within 90 Days of Bankruptcy – Treasure Chest Casino”).

220. On March 27, 2001, Judge Porteous paid \$1,500 cash to the Treasure Chest Casino to pay off his outstanding indebtedness. This payment demonstrates: (1) that Judge Porteous was well aware that on March 27, 2001 he had outstanding indebtedness of \$1,500 at the Treasure Chest

Casino, and (2) that he sought to make sure that the casino debt was paid and would not, therefore, have to be disclosed in his bankruptcy filing.

See Horner SITC at 987:6-8. *See also* HP Ex. 302 (Treasure Chest Customer Transaction Inquiry); House Chart 2 (“Undisclosed Payments to Creditors within 90 Days of Bankruptcy – Treasure Chest Casino”).

3. Post Office Box

221. On March 20, 2001, Judge Porteous opened a post office box. The purpose of opening the P.O. box was to use that address in his bankruptcy filing.

See Lightfoot SITC at 1082:9-21. *See also* HP Ex. 145 (Porteous P.O. Box Application)..

4. Income Tax Return

222. On March 23, 2001, the Porteouses signed their income tax return for the year 2000 and claimed a tax refund in the amount of \$4,143.72.

See Horner SITC at 990:2-25. *See also* HP Ex. 141 (Judge Porteous’s 2000 Tax Return); House Chart 3 (“Judge Porteous’s Undisclosed Tax Refund”).

5. Fleet Credit Card – Preferred Payment to Creditor Pre-Bankruptcy

223. On March 23, 2001, Judge Porteous asked his secretary, Rhonda Danos, to write a check out of her personal checking account, in the amount of \$1,088.41, to pay his wife’s Fleet credit card bill in full. Judge Porteous never disclosed to Ms. Danos that he was filing for bankruptcy; she only discovered this information about the time it was published in the local newspaper.

See Danos SITC at 877:14 – 878:10. *See also* HP Ex. 329 (Fleet credit card statement, with accompanying check written by Rhonda Danos).

224. The March 23, 2001 credit card payment to Fleet was handled by Judge Porteous in a manner that was inconsistent with the payments in prior months.

- The January 17, 2001 Fleet statement in the amount of \$1,144.46 was partially paid by way of a \$100 check drawn on the Porteouses’ Bank One checking account. That payment was credited to the Porteous’s Fleet account on February 2, 2001 – over two weeks later.
- The February 16, 2001 Fleet statement in the amount of \$1,251.07 was partially paid by way of a \$370 check drawn on the Porteouses’ Bank One checking account. That payment was credited to the Porteous’s Fleet account on March 3, 2001 – over two weeks later.
- In contrast, the March 15, 2001 Fleet statement in the amount of \$1,088.41 was paid in full with a check from Ms. Danos’s account, written on March 23, 2001 – five days prior to bankruptcy.

See Horner SITC at 992:3 – 994:17. See also HP Ex. 140 (Fleet credit card statements); HP Ex. 144 (Bank One records); HP Ex. 329 (Fleet credit card statement, with accompanying check written by Rhonda Danos).

225. Judge Porteous, in the days prior to filing for bankruptcy, continued to conceal material facts from his lawyer, Mr. Lightfoot. Judge Porteous did not disclose to Mr. Lightfoot that he had taken out \$3,500 in markers from the Treasure Chest Casino and had repaid the final \$1,500 of that amount the day before his Initial Bankruptcy Petition was filed; Judge Porteous did not disclose to Mr. Lightfoot that he had taken out \$2,000 from Grand Casino Gulfport on February 27, 2001 and that that indebtedness was outstanding; and Judge Porteous did not disclose to Mr. Lightfoot that he had filed for a federal income tax refund of \$4,143.72. Similarly, although Judge Porteous had kept Mr. Lightfoot current on other credit cards, Judge Porteous did not disclose to Mr. Lightfoot the existence of the Fleet credit card or the fact that he had paid it off in full. Also, Judge Porteous had not disclosed to Mr. Lightfoot that he had received a salary increase and that the pay stub he had provided Mr. Lightfoot the prior summer was not accurate.

See Lightfoot SITC at 1090:9-17 (Treasure Chest markers), 1077:3-7 (Grand Casino indebtedness), 1086:7-17 (tax refund), 1088:11-14 (salary increase). See also HP Ex. 124 (Lightfoot 5th Cir. Hrg. at 445) (existence of or payment to Fleet credit card).

226. At the Fifth Circuit Hearing, in response to questioning by Chief Judge Jones, Mr. Lightfoot testified that he had no knowledge of Judge Porteous's gambling:

Q. And you're telling us, as his counsel, in whom he confided for months and months before the time that he was – that he filed this petition, when he continued to gamble almost every week before and after he filed bankruptcy, that you had no earthly idea that this was because of gambling?

A. I didn't. I never knew him before, and I – I really didn't know that gambling was an issue with the judge.

See HP Ex. 124 (Lightfoot 5th Cir. Hrg. at 453).

E. March 28, 2001 – Judge Porteous Files His Initial Voluntary Bankruptcy Petition Under the False Name “G.T. Ortous”

227. On March 28, 2001, Judge Porteous filed a Petition for Chapter 13 bankruptcy (the “Initial Petition”) in the United States Bankruptcy Court for the Eastern District of Louisiana.

See HP Ex. 125 (Initial Petition).

228. The Initial Petition was filed with the false names “G.T. Ortous” and “C.A. Ortous” as the debtors and also listed the P.O. Box address obtained by Judge Porteous on March 20, 2001, instead of Judge Porteous's actual residential address. Judge Porteous signed the petition twice – once over the typed name “G.T. Ortous;” and the other “under penalty of perjury that the information provided in this petition is true and correct.”

See HP Ex. 441(b) (Lightfoot Task Force Hrg. at 44). See also HP Ex. 125 (Initial Petition).

229. Judge Porteous admitted at the Fifth Circuit Hearing that the names used in the Initial Petition were false.

Q: Your name is not Ortous, is it?

A. No, sir.

* * *

Q: So, those statements that were signed – so, this petition that was signed under penalty of perjury had false information, correct?

A. Yes, sir, it appears to.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 55). Federal Rule of Bankruptcy 1005 requires that the caption of a bankruptcy petition include the name of the debtor and “all other names used by the debtor within six years before filing the petition.” FED. R. BR. P. 1005 (1975).

230. Mr. Lightfoot proposed the scheme to file under a false name to avoid embarrassment to Judge Porteous.

See Lightfoot SITC at 1079:22 – 1080:7. *See also* HP Ex. 441(b) (Lightfoot Task Force Hrg. at 44); HP Ex. 124 (Lightfoot 5th Cir. Hrg. at 435).

231. Mr. Lightfoot further explained that the local newspaper published the names of people who file bankruptcy, that he was trying to keep Judge Porteous’s name out of the paper.

See Lightfoot SITC at 1080:2-13. *See also* HP Ex. 441(b) (Lightfoot TF Task Force Hrg. at 44).

232. Judge Porteous willingly went along with Mr. Lightfoot’s suggestion to file under a false name. He did not protest in any way, nor suggest that it would be wrong for a Federal judge to file an official document with the court, signed under penalty of perjury, with a false name.

See Lightfoot SITC at 1080:20 – 1081:10.

233. Judge Porteous’s filing for bankruptcy in a false name constituted perjury for which “advice of counsel” is no defense. There is never an excuse for knowingly lying on a document that is being signed under penalty of perjury in a bankruptcy proceeding.

See Keir SITC at 1186:7-13, 1187:19 – 1188:3; Hildebrand SITC at 1883:14-17.

234. As an attorney himself, and what’s more, as a federal judge, Judge Porteous is not in the same position vis-à-vis his attorney as a lay client being advised about arcane procedures of bankruptcy law.

235. Mr. Lightfoot told the bankruptcy trustee, S.J. Beaulieu, that the false name on the Initial Petition was a typographical error.

See Beaulieu SITC at 1524:8-22.

236. Mr. Lightfoot had no knowledge that Judge Porteous was concealing his gambling from him, or that Judge Porteous was concealing other relevant facts:

Q. At the time [of filing the schedules], you believed that Judge Porteous was acting in good faith?

A. I did.

Q. When he came to you, when you helped him with the workout, when you prepared the bankruptcy petition and schedules and statement, you did not know anything about gambling?

A. I didn't.

Q. He clearly did not disclose that to you in any way, shape or form?

A. No, sir.

Q. And you had no idea that he was concealing facts from you?

A. No, sir.

See Lightfoot SITC at 1174:2-15. Lightfoot further testified that if he had known that Judge Porteous gambled, he would have asked Judge Porteous many more questions about that topic because “[i]f there are gambling debts, they have to be listed, and you must tell me about them. If you have markers that haven’t been redeemed, you could have a bad check problem when they try to pass the marker through as a bad check. So it gives me an opportunity to have a conversation about all those concerns of mine.” *Id.* at 1173:13-19.

F. April 9, 2001: Judge Porteous Files His Amended Petition, Accompanying Schedules, and Statement of Financial Affairs

1. The Amended Petition

237. Judge Porteous amended his Initial Petition on April 9, 2001, two weeks after it was filed, replacing the false names and listing his actual residential address in Metairie, Louisiana.

See HP Ex. 126 (Amended Petition).

2. The Bankruptcy Schedules and Statement of Financial Affairs

238. Along with the Amended Petition, Judge Porteous filed his Bankruptcy Schedules and his Statement of Financial Affairs on April 9, 2001. Judge Porteous’s Bankruptcy Schedules set forth such items as assets, debts, income, and other miscellaneous financial matters. Judge Porteous’s Statement of Financial Affairs consisted of a series of questions requiring disclosure of specific financial activities. Judge Porteous signed each document under penalty of perjury. Though they were filed April 9, 2001, these forms should have disclosed Judge Porteous’s financial affairs as they existed on the date of the Initial Petition – March 28, 2001.

See HP Ex. 127 (Bankruptcy Schedules and Statement of Financial Affairs); HP Ex. 345 (2001 Instructions for Completing Bankruptcy Schedules at p. 45).

239. Prior to filing the Bankruptcy Schedules and Statement of Financial Affairs, Mr. Lightfoot provided Judge Porteous with draft copies and specifically reviewed them with Judge Porteous “at least twice” and “at length.” Judge Porteous then signed both his Bankruptcy Schedules and his Statement of Financial Affairs under penalty of perjury, declaring that the documents were true and correct.

See Lightfoot SITC at 1084:21 – 1086:2. See also HP Ex. 441(b) (Lightfoot Task Force Hrg. at 46); HP Ex. 127 (Bankruptcy Schedules at SC00111, SC00116).

3. False Representations in the Bankruptcy Schedules

a. Failure to Disclose the March 23 Claim for a Tax Refund

240. Category 17 on Schedule B (“Personal Property”) of the Bankruptcy Schedules required Judge Porteous to disclose “other liquidated debts owing debtor including tax refunds.” (emphasis added). The instructions for completing Category 17 on Schedule B state that “Item 17 request [sic] the debtor to list all monies owed to the debtor . . . and specifically, any expected tax refunds.” Notwithstanding the fact that Judge Porteous had filed for a \$4,143.72 federal income tax refund on March 23, 2001 – five days before filing his Initial Petition – in response to Category 17 on Schedule B, the box “none” is marked with an “X.” Judge Porteous signed that form under penalties of perjury

See HP Ex. 127 (Bankruptcy Schedules at SC00096, SC00116); HP Ex. 345 (2001 Instructions for Completing Bankruptcy Schedules at 62)

241. Judge Porteous knowingly filed a false bankruptcy schedule under penalty of perjury when he failed to disclose that he had filed for a tax refund for the year 2000 shortly before filing for bankruptcy.

See Keir SITC at 1191:2-18.

242. During his Fifth Circuit testimony, Judge Porteous acknowledged that he checked “none” in response to this question.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 80).

243. At the Fifth Circuit Hearing, Judge Porteous was shown his tax return and identified it as having been filed on March 23, 2001. When confronted with the fact that the Schedule did not disclose the pending refund, Judge Porteous responded: “When that was listed, you’re right.”

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 82).

244. According to Mr. Lightfoot, the tax refund should have been disclosed, and if he had known of the pending refund, he would have disclosed it.

See Lightfoot SITC at 1086:18 – 1087:7. *See also* HP Ex. 441(b) (Lightfoot Task Force Hrg. at 46); HP Ex. 124 (Lightfoot 5th Cir. Hrg. at 447).

245. On April 13, 2001 – just four days after the Bankruptcy Schedules were filed – Judge Porteous received his entire \$4,143.72 federal tax refund by way of a direct deposit into his Bank One checking account. Judge Porteous acknowledged during his Fifth Circuit testimony that the \$4,143.72 tax refund was deposited into his Bank One checking account on April 13, 2001.

See IIP Ex. 141 (2000 Porteous Federal Tax Return); HP Ex. 144 (Porteous Bank One records); HP Ex. 10 (Porteous 5th Cir. Hrg. at 83).

246. Mr. Lightfoot would have filed an amended schedule to disclose the refund if he had found out about the refund after the initial schedules were filed.

See Lightfoot SITC at 1087:8-19. *See also* HP Ex. 441(b) (Lightfoot Task Force Hrg. at 47) (“I would have amended this schedule to list it, had it been absent, and probably informed the trustee, particularly if the meeting of creditors hadn’t been held yet. I would have mentioned it.”)

247. Knowledge of that tax refund also would have been important to the trustee who was assigned to Judge Porteous’s case – S.J. Beaulieu – who would have considered the refund in deciding whether to approve the proposed Chapter 13 plan. Beaulieu explained his reasons as follows, in response to questioning from Senator Whitehouse:

Q. Sen. Whitehouse. Now, my question to you is would it have made any difference to the plan that you approved if you had known of the tax return and the other preferences. . . .

Basically I’m trying to sort out did it, did it make a difference to anybody that these expenses or assets weren’t properly listed since this was a Chapter 13?

A. [After discussing the payments to the creditors] \$4000 [for the tax return] means about \$300 swing a month; \$3600, or \$4000 a [year]. So now you’re talking about \$12,000 going into the kitty.

Q. So that information [the undisclosed tax return] would have made a difference in the plan that you approved?

A. That and I – basically when you get a tax return with [that] dollar amount, . . . that means that the debtor is overdeducting from his paycheck, so that means the paycheck I’m reviewing is down \$300 from the get-go.

So I would have to look at that and say, well, your income should be actually \$300 more per month. So that’s in a three-year period about \$10,000, which in this case would be about a 10 percent turnaround

Q. And that’s something you have taken into account in your decisions about the plan?

A. Yes sir.

See Beaulieu SITC at 1549:4 – 1550:21.

248. In the Southern District of Texas – where Judge Greendyke presided – the procedure regarding tax refunds in the year 2000 was to treat the refunds as “part of the Chapter 13 debtor’s disposable income,” which was “required to be committed to payments in Chapter 13 cases.”

See HP Ex. 295 (Heitkamp 5th Cir. Hrg. at 397).

249. Chief Bankruptcy Judge Duncan Keir from the District of Maryland also concluded that the requested refund should have been disclosed, and that Judge Porteous committed perjury and falsified a court document by not disclosing it:

[T]he right to receive the refund is an asset. And since he had already filed the return quantifying the amount of the refund, it was what is known as a liquidated sum. Liquidated does not mean collected; it means quantified.

And the tax year having ended before the bankruptcy, he had the entitlement to it, it was his asset. Assets are required to be listed on schedule B under pain and penalty of perjury.

Question 17 of schedule B requires you to list liquidated sums owed to the debtor, and it specifically says “including tax refunds.” And he did not put it down, so he falsified the schedule.

See Keir SITC at 1191:5-18. *See also* HP Ex. 441(c) (Keir Task Force Hrg. at 70, 77) (“Not only was it an asset that should have come in . . . but in effect it affects the calculation of what is disposable income. If you claim no dependents, no deductions, and have them take out extra money, you can lower that take-home pay. All you are doing is putting it in your own savings account, if you are allowed to do that. Therefore, your monthly payment is also going to be less under this plan calculation.”).

250. In his Fifth Circuit testimony, Judge Porteous claimed that he called Mr. Lightfoot when he received the refund, and that they discussed what he should do with it. Mr. Lightfoot specifically denies that such a call occurred. Rather, Mr. Lightfoot recalled a “conversation with the judge about a tax return for a later year, and not that particular year” where the issue was whether the tax refund had to have been turned over pursuant to Judge Greendyke’s order.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 83–84). *See also* Lightfoot SITC at 1141:15-17, 1142:13-20 (Lightfoot recalled needing to “look to the confirmation order” since it was not a typical order issued in New Orleans); HP Ex. 124 (Lightfoot 5th Cir. at 437).

b. Omitted and Undervalued Financial Accounts

251. Question 2 on Schedule B (“Personal Property”) requires the debtor to list, among other things, “checking, savings or other financial accounts.” In response, Judge Porteous disclosed the current market value of Judge Porteous’s Bank One Checking Account – into which his monthly salary was deposited – as \$100. However, the day prior to filing his Initial Petition,

Judge Porteous had deposited \$2,000 into the account – the amount he owed on the Grand Casino markers – so he knew that the account held at least that amount. Moreover, the opening balance in Judge Porteous’s Bank One account for the time period of March 23, 2001 to April 23, 2001 was \$559.07, and the closing balance for the same time period was \$5,493.91. At no time during that month did Judge Porteous’s balance drop to as low as \$100.

See Horner SITC at 994:18 – 995:14. *See also* HP Ex. 127 (Bankruptcy Schedules at SC00095); HP Ex. 143 (Porteous Fidelity money market statements); HP Ex. 144 (Porteous Bank One records). *See also* House Chart 5 (“Undisclosed Account Balance (Bank One Account)”).

252. During his Fifth Circuit testimony, Judge Porteous acknowledged that he listed his Bank One checking account under Schedule B as having a balance of \$100.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 79–80).

253. At the time of his bankruptcy filing, Judge Porteous also had a Fidelity money market account that he used regularly. He had used this account in the past to deposit monies he withdrew from his IRA account, and he had paid gambling debts to casinos from that account (and did so in the Fall of 2000). In the days shortly prior to filing for bankruptcy, Judge Porteous wrote numerous checks drawn on the Fidelity account, including a check for \$40 on March 27, 2001.

See Horner SITC at 995:15 – 997:20. *See also* HP Ex. 383 (Porteous IRA records); HP Ex. 529 (Fidelity checks); HP Ex. 143 (Fidelity money market statements). *See also* House Chart 16 (“Judge Porteous’s Use of Fidelity Account Pre-Bankruptcy to Pay Gambling Debts”); House Chart 4 (“Judge Porteous’s Undisclosed Fidelity Money Market Account”).

254. Judge Porteous did not disclose his Fidelity money market account in response to Question 2 on Schedule B. Judge Porteous never told Mr. Lightfoot about this account, and he did not include it on the worksheets that he filled out for Mr. Lightfoot in the summer of 2000. During his Fifth Circuit testimony, Judge Porteous acknowledged the existence of his Fidelity money market account, and acknowledged that it was omitted from his Schedule B.

See Horner SITC at 997:21-25. *See also* HP Ex. 127 (Bankruptcy Schedules at SC00095); HP Ex. 124 (Lightfoot 5th Cir. Hrg. at 436, 448); HP Ex. 10 (Porteous 5th Cir. Hrg. at 85–87).

c. Understated Income

255. Schedule I of the Bankruptcy Schedules, “Current Income of Individual Debtor(s),” required Judge Porteous to list his “current monthly gross wages, salary, and commissions (pro rate if not paid monthly).” On that schedule, Judge Porteous’s monthly gross income was listed as \$7,531.52 – the amount that was reflected on the pay stub Judge Porteous gave Mr. Lightfoot in the summer of 2000. The amount listed was in fact Judge Porteous’s net salary for that month (not gross, as called for by the Schedule), and the pay stub was attached to the Schedule. Judge Porteous never disclosed to Mr. Lightfoot that his judicial salary had increased in 2001. In 2001, Judge Porteous’s net judicial salary had increased to \$7,705.51 per month. Judge Porteous’s net income, therefore, was understated by \$173.99 a month, or \$2,087.88 annually, or over \$6,000 for the three year life of the proposed Plan.

See HP Ex. 127 (Bankruptcy Schedules at SC00108–09); HP Ex. 144 (Porteous Bank One records); HP Ex. 441(b) (Lightfoot Task Force Hrg. at 47).

256. Judge Porteous also had social security taxes withheld from his salary until he reached a statutorily defined annual gross salary – referred to as the social security “wage base” – a level he would typically reach in July of a calendar year. At that point, he was no longer subject to social security tax withholding, and his net monthly salary would increase by several hundred dollars. Thus, Judge Porteous received \$7,705 per month through June 1, 2001 (though he reported only \$7,531 to the bankruptcy court). His monthly net salary increased thereafter to about \$8,500 for the rest of the year – roughly \$1,000 per month more than he reported on his Schedule I, or over \$5,000 more for that year.

See Horner SITC at 1013:21 – 1014:12. See also HP Ex. 451 (Porteous Bank One records for Aug.–Sept. of 2001, 2002, and 2003); HP Ex. 441(a) (Horner Task Force Hrg. at 26) (testifying that from “August through December [2001], the pay that is deposited in his account every month is about \$8,500”).

d. Schedule of Unsecured Creditors

257. Judge Porteous owed \$2,000 in outstanding markers to the Grand Casino Gulfport on March 28, 2001. These markers did not clear Judge Porteous’s account until April 5–6, 2001. Though he listed numerous creditors on Schedule F, “Creditors Holding Unsecured Nonpriority Claims,” this casino debt was not included.

See Horner SITC at 983:22 – 984:16, 985:6–8, 1003:19 – 1005:7. See also HP Ex. 127 (Bankruptcy Schedules, Schedule F at SC00102–105); HP Ex. 301(a) (Grand Casino Gulfport Patron Transaction Report). See also House Chart 6 (“Undisclosed Creditor (Grand Casino Gulfport)”).

e. Signed Declaration

258. At the end of Judge Porteous’s Bankruptcy Schedules, he signed a “declaration under penalty of perjury by individual debtor,” which stated:

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 18 sheets plus the summary page, and that they are true and correct to the best of my knowledge, information, and belief.

See HP Ex. 127 (Bankruptcy Schedules at SC00111).

4. False Representations in the Statement of Financial Affairs

a. Payments to Preferred Creditors (Fleet and the Casinos)
Within 90 Days of Filing for Bankruptcy

259. Question 3 on the Statement of Financial Affairs required Judge Porteous to “[l]ist all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within 90 days immediately preceding the commencement of this case.” The question thereafter provided fields for the debtor to list the name and address of any creditor, the dates of payments, the amount paid, and the amount still owing. The question

thus seeks to inquire as to whether the debtor has favored or preferred some creditors over others, by paying some creditors in full to the detriment of others.

See HP Ex. 127 (Statement of Financial Affairs at SC00112).

260. Relying on the information that Judge Porteous had provided, Mr. Lightfoot entered the answer: “normal installments” to Question 3 – a term that “was intended to cover the normal installments on his two leased cars and his two home mortgages.”

See HP Ex. 127 (Statement of Financial Affairs at SC00112); HP Ex. 441(b) (Lightfoot Task Force Hrg. at 48).

261. As discussed in Findings of Fact 262 to 264, that answer – “normal installments” – was false, as a result of Judge Porteous’s actions in the weeks immediately preceding filing for bankruptcy.

262. First, it failed to disclose Judge Porteous’s payment to Treasure Chest. As noted, on March 2, 2001, Judge Porteous gambled at Treasure Chest and took out seven \$500 markers, for a total extension of credit of \$3,500. He repaid \$2,000 with chips on March 3, 2001, but he did not repay the balance until March 27, 2001 (the day before his Initial Petition was filed), when he made a \$1,500 cash payment to the casino – that is, he made a payment on a debt “aggregating more than \$600 to any creditor, made within 90 days immediately preceding the commencement of this case.” Repayment of the markers to Treasure Chest should have been reported on the Statement of Financial Affairs, but that, as with all of Judge Porteous’s gambling activities, Mr. Lightfoot did not include this payment because he did not know about it.

See HP Ex. 127 (Statement of Financial Affairs at SC00112); HP Ex. 302 (Porteous Treasure Chest Customer Transaction Inquiry). *See also* Horner SITC at 986:18 – 988:19; Lightfoot SITC at 1090:1 ~ 1091:2; HP Ex. 441(b) (Lightfoot Task Force Hrg. at 48). *See also* House Chart 2 (“Undisclosed Payments to Creditors within 90 Days of Bankruptcy – Treasure Chest Casino”).

263. Second, Judge Porteous also failed to disclose that on March 23, 2001, he had his secretary, Rhonda Danos, pay off his wife’s Fleet credit card balance of \$1,088.41. Judge Porteous’s March 23, 2001 payment to Fleet (by way of the Danos check) was credited by Fleet on March 29, 2001. Because this check was not received by Fleet until the day after Judge Porteous initially filed for bankruptcy, Judge Porteous could claim that the payment to Fleet was not in fact made within the 90 days preceding his bankruptcy filing, and thus it was not required to be reported on the Statement of Financial Affairs. However, if this were the case, then Judge Porteous should have listed Fleet as an unsecured creditor, which he did not.

See HP Ex. 127 (Bankruptcy Schedules, Schedule F at SC00102–105; Statement of Financial Affairs at SC00112); HP Ex. 140 (Fleet credit card statements); HP Ex. 329 (Fleet credit card statement with accompany check written by Rhonda Danos). *See also* Horner SITC at 993:25 – 994:17. *See also* House Chart 1 (“Undisclosed Payments to Creditors within 90 Days of Bankruptcy – Fleet Credit Card”).

264. Third, as discussed in the above Findings, on February 26, 2001, Judge Porteous took out \$2,000 in markers at the Grand Casino, which were in fact outstanding as of the date he filed for bankruptcy (March 28, 2001) and were not reported on the Schedule of Unsecured Creditors.

However, if Judge Porteous believed that the markers had in fact been repaid prior to filing for bankruptcy, that payment should have been disclosed in response to Question 3 on his Statement of Financial Affairs. Again, Mr. Lightfoot was unaware of the Gulfport markers.

See HP Ex. 127 (Bankruptcy Schedules, Schedule F at SC00102–105). *See also* Horner SITC 983:22 – 984:16, 985:6-8, 1003:19 – 1005:7; Lightfoot SITC at 1091:15-19. *See also* House Chart 6 (“Undisclosed Grand Casino Markers”).

b. Gambling Losses

265. Question 8 on the Statement of Financial Affairs required Judge Porteous to “[l]ist all losses from . . . gambling within one year immediately preceding the commencement of this case or since the commencement of this case.” In response, the box for “none” is checked.

See HP Ex. 127 (Statement of Financial Affairs at SC00113).

266. An analysis by the FBI of Judge Porteous’s gambling activities in the year preceding his bankruptcy filing revealed that Judge Porteous accrued \$6,233.20 in net gambling losses during that year.

See Horner SITC at 1000:1-14, 1001:5-12. *See also* HP Ex. 337 (FBI Gaming Losses Chart). FBI Agent Horner was asked about this chart during his SITC testimony and he also explained this chart both to the Impeachment Task Force and to the Fifth Circuit Special Committee, testifying that Judge Porteous’s losses totaled \$12,895.35, but Judge Porteous also had winnings of \$5,312.15. The analysis of Judge Porteous’s gambling activities (including losses) in the year preceding his bankruptcy was based on a review of each casino’s records. *See* HP Ex. 338 (Horner 5th Cir. Hrg. at 317–318, 322); HP Ex. 441(a) (Horner Task Force Hrg. at 16).

267. During his Fifth Circuit testimony, Judge Porteous admitted that his response of “none” to Question 8 was incorrect:

- Q. Judge Porteous, do you recall that in the – that your gambling losses exceeded \$12,700 during the preceding year?
- A. I was not aware of it at the time, but now I see your documentation and that – and that’s what it reflects.
- Q. So you – you don’t dispute that?
- A. I don’t dispute that.
- Q. Therefore, the answer “no” was incorrect, correct?
- A. Apparently, yes.
- Q. Even though this was signed under oath, under penalty of perjury, correct?
- A. Right.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 99).

c. Declaration

268. At the end of his Statement of Financial Affairs, Judge Porteous signed a declaration which stated:

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

See HP Ex. 127 (Statement of Financial Affairs at SC00116).

G. Judge Porteous's Post-Filing Activities and the Bankruptcy Creditors Meeting

**1. Post-Filing Activities between March 28, 2001
and the Creditors Meeting on May 9, 2001**

269. On April 6, 2001, Judge Porteous requested a one-time credit increase at the Beau Rivage Casino from \$2,500 to \$4,000. On April 7–8, 2001, Judge Porteous took out \$2,000 in markers at the Beau Rivage Casino. He left the casino owing \$1,000, which was not paid back until May 4, 2001. On approximately April 30 – May 1, 2001, Judge Porteous repaid the Beau Rivage for the outstanding April 7–8, 2001 markers, by withdrawing \$1,000 from his IRA, which was paid to him in the form of a check dated April 24, 2001. He endorsed the check directly to Ms. Danos, and she deposited it into her personal bank account on May 1, 2001. On April 30, 2001, Ms. Danos wrote a check payable to the Beau Rivage in the amount of \$1,000, and the memo line referenced Judge Porteous. That payment was credited against Judge Porteous's Beau Rivage account on May 4, 2001.

See HP Ex. 303 (Beau Rivage Credit History); HP Ex. 304 (Beau Rivage Balance Activity); HP Ex. 382 (records related to \$1,000 Beau Rivage payment). *See also* House Chart I1 ("Judge Porteous's Use of Secretary Danos to Pay His Casino Debts in April 2001").

270. Judge Porteous's repayment of the Beau Rivage debt by endorsing a check to Ms. Danos and having her write a check to the casino, thus bypassing Judge Porteous's account altogether, is evidence of his intent to hide gambling debt incurred between the time of filing for bankruptcy and the Creditors Meeting.

See HP Ex. 304 (Beau Rivage Balance Activity).

271. On April 10, 2001, Judge Porteous took out \$2,000 in markers at the Treasure Chest Casino. He paid all the markers back the same day in chips.

See HP Ex. 305 (Treasure Chest Customer Transaction Inquiry).

272. On April 30, 2001, Judge Porteous submitted a casino credit application to Harrah's Casino and requested a \$4,000 credit limit. This application lists "\$0" for indebtedness. Judge Porteous signed the application.

See Horner SITC at 1007:15 – 1008:5. *See also* HP Ex. 149 (Harrah's Casino Credit Application); HP Ex. 326 (Central Credit, Inc. Gaming Report for Judge Porteous).

273. On April 30, 2001, Judge Porteous took out \$1,000 in markers at Harrah's Casino. Judge Porteous wrote a check to repay these markers on April 30, 2001, but Harrah's held the check for 30 days before depositing it, so they were not paid back until May 30, 2001.

See HP Ex. 306 (Harrah's Patron Credit Activity).

274. On May 7, 2001 – Judge Porteous took out \$4,000 in markers at the Treasure Chest Casino. He left the casino owing this amount and repaid the \$4,000 two days later, on May 9, 2001 – the same day as the Creditors Meeting – in cash.

See HP Ex. 307 (Treasure Chest Customer Transaction Inquiry).

2. Bankruptcy Creditors Meeting

275. On May 9, 2001, the Section 341 Creditors Meeting was held in Judge Porteous's bankruptcy case. A Section 341 Creditors Meeting is a statutorily mandated meeting of creditors and equity security holders that is held by the bankruptcy trustee. The purpose of a Section 341 Creditors Meeting is to examine the debtor under oath regarding his petition and bankruptcy schedules.

See HP Ex. 129 (Trustee's Memo to Record); HP Ex. 441(b) (Lightfoot Task Force Hrg. at 49). *See also* 11 U.S.C. § 341 (2003).

276. Bankruptcy trustee S.J. Beaulieu, Jr. presided over the hearing, which was attended by Judge Porteous and his attorney Mr. Lightfoot. At the beginning of the hearing, Judge Porteous was provided with a copy of a pamphlet entitled "Your Rights and Responsibilities in Chapter 13." During his testimony before the Fifth Circuit Special Committee, Judge Porteous acknowledged receiving the pamphlet from the bankruptcy trustee. Section 6 of this pamphlet discussed credit while in Chapter 13 and specifically provided:

You may not borrow money or buy anything on credit while in Chapter 13 without permission from the bankruptcy Court. This includes the use of credit cards or charge accounts of any kind. If you or a family member you support buys something on credit without Court approval, the Court could order the goods returned.

See HP Ex. 130 (Creditors Meeting Hearing Transcript (indicating that Judge Porteous was given a copy of the pamphlet)); HP Ex. 148 (Chapter 13 "Rights & Responsibilities" Pamphlet); HP Ex. 10 (Porteous 5th Cir. Hrg. at 60).

277. Judge Porteous was thereafter placed under oath and asked if everything in his bankruptcy filing was true and correct. Judge Porteous stated, "yes." Judge Porteous was also specifically asked if he listed all of his assets in his bankruptcy filing, and again he answered "yes." He also affirmed that his take home pay was "about \$7,500 a month."

See HP Ex. 130 (Creditors Meeting Hearing Transcript at SC00595–96).

278. Bankruptcy Trustee Beaulieu made it clear to Judge Porteous that he was no longer allowed to incur any new debt or to buy anything on credit. Specifically, the trustee told Judge

Porteous that he was “on a cash basis now.” Judge Porteous did not disclose at the hearing that between the time of filing for bankruptcy and the date of the Creditors Meeting, he had incurred additional debt by taking out markers at casinos. Nor did he disclose that he had increased a credit line at a casino, concealed a credit card in his bankruptcy filing, or that he had outstanding markers owed to Harrah’s Casino on the date of the meeting.

See HP Ex. 130 (Creditors Meeting Hearing Transcript at SC00598).

279. After the Creditors Meeting on May 9, 2001, Judge Porteous continued to gamble, to take out casino markers, and to incur new debt. Judge Porteous’s activities between May 9, 2001 and June 28, 2001 included the following:

- On May 16, 2001, Judge Porteous took out a \$500 marker at the Treasure Chest Casino. He repaid the marker the same day in chips.
- On May 26–27, 2001, Judge Porteous took out \$1,000 in markers at the Grand Casino Gulfport. He paid back \$900 on May 27, 2001 and paid back the remaining \$100 on June 5, 2001.
- On June 20, 2001, Judge Porteous took out a \$500 marker at the Treasure Chest Casino. He repaid the marker the same day in chips

See HP Ex. 308 (Treasure Chest Customer Transaction Inquiry); HP Ex. 309 (Grand Casino Patron Transaction Request); HP Ex. 310 (Treasure Chest Customer Transaction Inquiry).

H. The June 28, 2001 Confirmation of Judge Porteous’s Bankruptcy Plan, and Judge Porteous’s Violations of the Confirmation Order

I. The Order’s Prohibition Against Judge Porteous Incurring New Debt

280. On June 28, 2001, U.S. Bankruptcy Judge William Greendyke signed an Order Confirming the Debtor’s Plan and Related Orders (the “Confirmation Order”). Among its terms, the Confirmation Order prohibited Judge Porteous from incurring new debt without the permission of the trustee:

The debtor(s) shall not incur additional debt during the term of this Plan except upon written approval of the Trustee. Failure to obtain such approval may cause the claim for such debt to be unallowable and non-dischargeable.

See HP Ex. 133 (Confirmation Order).

281. During his Fifth Circuit testimony, Judge Porteous testified that he understood the Confirmation Order at the time the order was entered. Judge Porteous’s understanding that he needed the bankruptcy trustee’s permission to incur new debt is evidenced by the fact that on at least two separate occasions he sought and received such permission. First, on December 20, 2002, the bankruptcy trustee granted Judge Porteous’s request to refinance his home. And second, on January 2, 2003, the bankruptcy trustee granted Judge Porteous’s request to obtain two new car leases.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 62); HP Ex. 441(b) (Lightfoot Task Force Hrg. at 49–50); HP Ex. 339 (Beaulieu letter approving home refinancing); HP Ex. 340 (Beaulieu letter approving new car leases).

282. If Judge Greendyke had known of Judge Porteous’s actions in connection with his bankruptcy filing, Judge Greendyke would not have signed the Confirmation Order, and “would probably have sua sponte objected on the basis of lack of good faith.” The good faith of the debtor is a confirmation requirement.

See HP Ex. 335 (Greendyke 5th Cir. Hrg. at 384–85).

2. Violations of the Confirmation Order

283. Judge Porteous was subject to the terms of his Chapter 13 repayment plan for three years. Notwithstanding Judge Greendyke’s Confirmation Order that “[t]he debtor(s) shall not incur additional debt during the term of this Plan except upon written approval of the Trustee,” Judge Porteous: (1) took out 42 markers over the course of fourteen different gambling trips at four different casinos, (2) applied to increase his credit limit at one of those casinos and thereafter utilized his increased credit line, and (3) obtained and used a new credit card. Judge Porteous did not have the permission of the trustee or the bankruptcy court to engage in these activities. Each of these violations of the Confirmation Order are discussed in detail in the Findings of Fact below.

See HP Ex. 133 (Confirmation Order at ¶ 4).

284. It is not acceptable for a debtor to ignore a bankruptcy court order if the debtor finds the provisions of the order to be too onerous or if the debtor thinks the order is unlawful.

See Keir SITC at 1193:6-19; Barhant SITC at 1928:13 – 1929:2.

a. Casino Markers

285. After the Confirmation Order was issued, Judge Porteous continued to gamble and to incur debt at casinos on a regular basis, without seeking permission from the bankruptcy trustee. He obtained casino markers on his existing lines of credit at the casinos, and sought an increase on one of his lines of credit.

See HP Ex. 149 (Harrah’s Casino Credit Application); HP Ex. 326 (Central Credit, Inc. Gaming Report for Judge Porteous).

286. Judge Porteous intentionally violated Judge Greendyke’s Confirmation Order by incurring debt in the form of taking out casino markers subsequent to the issuance of the Order.

See Keir SITC at 1193:25 – 1194:16. See also Hildebrand SITC at 1885:5-15.

287. Signing a casino marker is a form of debt within the meaning of the Bankruptcy Code because Judge Porteous would thereby be obligated to pay the casino. Mr. Lightfoot, Mr. Beaulieu, Judge Keir, and Mr. Hildebrand all agree that “markers” are a form of indebtedness.

See Keir SITC at 1194:17 – 1195:22; Lightfoot SITC at 1179:3-24; Beaulieu SITC at 1540:22-25; Hildebrand SITC at 1884:19-22. See also HP Ex. 441(b) (Lightfoot Task Force Hrg. at 53, 64) (“I have had some cases involving gambling, people who had markers, and, of course, they are a civil liability. It is a debt like any other debt in that sense. So it has to be listed. I would have listed and do list anybody who has a casino-type debt.”).

288. Judge Porteous was questioned about his understanding of a marker before the Fifth Circuit Special Committee, and he accepted as accurate the following definition:

A marker is a form of credit extended by a gambling establishment, such as a casino, that enables the customer to borrow money from the casino. The marker acts as the customer’s check or draft to be drawn upon the customer’s account at a financial institution. Should the customer not repay his or her debt to the casino, the marker authorizes the casino to present it to the financial institution or bank for negotiation and draw upon the customer’s bank account any unpaid balance after a fixed period of time.

See HP Ex. 10 (Porteous 5th Cir. Hrg. at 64–65).

289. Judge Porteous took out at least 42 markers between July 19, 2001 and July 5, 2002. The following chart summarizes Judge Porteous’s gambling activity during the first year following the Confirmation Order.

Date	Casino	Number of Markers	Total Dollar Amount	Repayment Date(s)
07/19/2001	Treasure Chest	1	\$500	07/19/2001
07/23/2001	Treasure Chest	1	\$1,000	07/23/2001
08/20–21/2001	Treasure Chest	8	\$8,000	08/20-21/2001 (\$5,000) 09/09/2001 (\$2,000) 09/15/2001 (\$1,000)
09/28/2001	Harrah’s	2	\$2,000	10/28/2001
10/13/2001	Treasure Chest	2	\$1,000	10/13/2001
10/17-18/2001	Treasure Chest	9	\$5,900	10/17/2001 (\$1,500) 11/09/2001 (\$4,400)
10/31/2001- 11/01/2001	Beau Rivage	6	\$3,000	11/01/2001
11/27/2001	Treasure Chest	2	\$2,000	11/27/2001
12/11/2001	Treasure Chest	2	\$2,000	12/11/2001
12/20/2001	Harrah’s	1	\$1,000	11/09/2002

02/12/2002	Grand Casino Gulfport	1	\$1,000	02/12/2002
04/01/2002	Treasure Chest	3	\$2,500	04/01/2002
05/26/2002	Grand Casino Gulfport	1	\$1,000	05/26/2002
07/04-05/2002	Grand Casino Gulfport	3	\$2,500	07/05/2002 (\$1,200) 08/11/2002 (\$1,300)
TOTAL		42	\$33,400	

See Horner SITC at 1009:23 – 1011:2. See also HP Ex. 311 (July 19, 2001 markers from Treasure Chest: Judge Porteous repaid the entire \$500 in chips the same day); HP Ex. 312 (July 23, 2001 markers from Treasure Chest: Judge Porteous repaid the entire \$1,000 in chips the same day); HP Ex. 313(a)–(b)) (August 20–21 markers from Treasure Chest: Judge Porteous repaid \$5,000 in chips on August 21 and 22, 2001; he repaid \$2,000 in cash on September 9, 2001; and he repaid the final \$1,000 in cash on September 15, 2001); HP Ex. 314 (September 28, 2001 markers from Harrah's: Judge Porteous wrote a check to Harrah's on September 28, 2001 for these two markers, but the casino did not deposit the check until October 28, 2001); HP Ex. 315 (October 13, 2001 markers from Treasure Chest: Judge Porteous repaid the entire \$1,000 in chips the same day); HP Ex. 316. (October 17–18 markers from Treasure Chest: Judge Porteous repaid \$1,500 in chips on October 17, 2001 and repaid \$4,400 on November 9, 2001 – \$1,800 with a check and \$2,600 with cash); HP Ex. 317 (October 31–November 1 markers from Beau Rivage: Judge Porteous repaid the entire \$3,000 in chips on the same trip); HP Ex. 318 (November 27, 2001 markers from Treasure Chest: Judge Porteous repaid the entire \$2,000 in chips on the same day); HP Ex. 319 (December 11, 2001 markers from Treasure Chest: Judge Porteous repaid the entire \$2,000 in chips on the same day); HP Ex. 320 (December 20, 2001 markers from Harrah's: Judge Porteous wrote a \$1,000 check to Harrah's on December 20, 2001, but Harrah's held the check for eleven months, and it did not clear the casino until November 9, 2002); HP Ex. 321 (February 12, 2002 markers from Grand Casino Gulfport: Judge Porteous repaid the entire \$1,000 on the same day); HP Ex. 322 (April 1, 2002 markers from Treasure Chest: Judge Porteous repaid the entire \$2,500 in chips on the same day); HP Ex. 323 (May 26, 2002 markers from Grand Casino Gulfport: Judge Porteous repaid the entire \$1,000 on the same day); HP Ex. 325 (July 4–5, 2002 markers from Grand Casino Gulfport: Judge Porteous repaid \$1,200 on July 5, 2002; he wrote a \$1,300 check for the balance on July 26, 2002, but the check did not clear the casino until August 11, 2002).

290. To make his November 9, 2001 payment of \$4,400 to the Treasure Chest Casino, Judge Porteous used his undisclosed Fidelity money market account. On October 25, 2001, Judge Porteous withdrew \$1,760 from his IRA. He obtained those proceeds by check, and deposited them into his Fidelity money market account on October 30, 2001. He thereafter wrote a check for \$1,800, payable to the Treasure Chest Casino, drawn on that account. (Judge Porteous repaid the remaining \$2,600 on November 9, 2001 in cash.)

See Horner SITC at 1011:11–23. See also HP Ex. 316 (Treasure Chest Casino Customer Transaction Inquiry); HP Ex. 530 (IRA and Fidelity records showing \$1,760 withdrawal from IRA and \$1,800 check written out of Fidelity to the Treasure Chest Casino); House Chart 19 (“Judge Porteous’s use of Undisclosed Fidelity Account in Bankruptcy to Pay Casino Debts”) (referred to as “Chart 18” in the SITC transcript).

291. To make the August 11, 2002 payment of \$1,300 to the Grand Casino Gulfport, Judge Porteous once again used his undisclosed Fidelity money market account. He wrote a check to the Grand Casino on July 26, 2002, which did not clear the casino until August 11, 2002.

See Horner SITC at 1011:24 – 1012:5. *See also* HP Ex. 325 (Grand Casino Patron Transaction Report); HP Ex. 530 (Fidelity check written by Judge Porteous to the Grand Casino for \$1,300); House Chart 19 (“Judge Porteous’s use of Undisclosed Fidelity Account in Bankruptcy to Pay Casino Debts”) (referred to as “Chart 18” in the SITC transcript).

292. While Judge Porteous repaid some of these markers on the same day they were taken out, those markers were no less an extension of credit than the markers that were not repaid until some time later.

See HP Ex. 441(c) (Keir Task Force Hrg. at 79) (“The debt is incurred when the marker is taken. That is when the debt arises. You owe the money. And it is the incurrence of the debt that was prohibited by the order.”).

b. Judge Porteous’s Application For, and Use of, a New Credit Card

293. On August 13, 2001 – less than two months after Judge Greendyke’s Confirmation Order was entered – Judge Porteous applied for a new Capital One credit card, without seeking the approval of the bankruptcy trustee. The credit card carried a \$200 credit line. Judge Porteous began using it immediately for dining out, clothing purchases, theater tickets, gasoline, and groceries, among other things. In May 2002, Judge Porteous’s credit line was increased to \$400, and in November 2002, it was increased again to \$600.

See Horner SITC at 1008:23 – 1009:14. *See also* HP Ex. 341(a) (Capital One Credit Application); HP Ex. 341(b) (Capital One Statements). FBI Agent Horner specifically identified Judge Porteous’s Capital One Credit Application during his Task Force hearing testimony. *See* HP Ex. 441(a) (Horner Task Force Hrg. at 18).

294. When Judge Porteous obtained and used this new Capital One credit card without permission from the Trustee, he violated Judge Greendyke’s Confirmation Order.

See Keir SITC at 1196:16 – 1197:7; Hildebrand SITC at 1885:16-20.

c. Judge Porteous’s Application For a Casino Credit Increase and Use of the New Credit Limit

295. On July 4, 2002, Judge Porteous succeeded in increasing his credit limit at the Grand Casino Gulfport from \$2,000 to \$2,500. Immediately thereafter, Judge Porteous gambled at the casino and took out \$2,500 in markers.

See HP Ex. 324 (Grand Casino Gulfport Credit Line Change Request); HP Ex. 325 (Grand Casino Gulfport Patron Transaction Report). *See also* HP Ex. 441(a) (Horner Task Force Hrg. at 18) (identifying the Grand Casino Credit Line Change Request and identifying Judge Porteous’s signature on the document; testifying that a casino will not increase a gambler’s credit line without the gambler proactively requesting the credit line increase).

3. Mr. Lightfoot's Knowledge of Judge Porteous's Post-June 28 Conduct

296. Judge Porteous did not tell Mr. Lightfoot that he had taken out markers, applied for a new credit card, or sought credit line increases at casinos. Mr. Lightfoot considers these acts to be violations of Judge Greendyke's Confirmation Order.

See Lightfoot SITC at 1099:17 – 1100:7. *See also* HP Ex. 441(b) (Lightfoot Task Force Hrg. at 51).

I. Judge Porteous's Conduct, In Total, Disqualifies Him from Remaining a Federal Judge

297. The "defense" of "no harm, no foul" is not available to one who violates a bankruptcy judge's court order.

See Keir SITC at 1197:8-23.

298. Judge Porteous's filing his Initial Petition using a false name was perjury. It also falsified a record of the United States Bankruptcy Court for the Eastern District of Louisiana.

See Keir SITC at 1186:7-25.

299. Judge Porteous's false statements in connection with his personal bankruptcy were material for numerous reasons. First and foremost, one requirement for obtaining bankruptcy relief is that the debtor act in "good faith." Dishonesty in the filing of bankruptcy petitions is the antithesis of good faith. Bankruptcy Judge Greendyke has indicated that if he knew all the facts concerning Judge Porteous's conduct, he "would probably have sua sponte objected on the basis of lack of good faith." Mr. Lightfoot testified that one of the reasons he instructed Judge Porteous pre-bankruptcy to stop taking on debt was because of this "good faith" requirement.

See Keir SITC at 1199:7-18 ("it's a requirement under Section 1325 of the Code that a plan be proposed in good faith"). *See also* HP Ex. 441(c) (Keir Task Force Hrg. at 74); HP Ex. 335 (Greendyke 5th Cir. Hrg. at 385); HP Ex. 441(b) (Lightfoot Task Force Hrg. at 42-43).

300. Judge Porteous's actions in connection with his bankruptcy proceedings "cast a cloud on the integrity of the judiciary."

See Keir SITC at 1198:17-23.

301. The bankruptcy system depends on the honesty and candor of the debtors in disclosing financial information.

See Keir SITC at 1185:11-25; Hildebrand SITC at 1878:1-9, 1878:16 – 1879:8; Barliant SITC at 1921:16-19.

302. Judge Keir testified to the affect on the bankruptcy system as the result of Judge Porteous's actions:

Because Judge Porteous served as a judge, he obviously must have known what the words "under penalty of perjury" mean. And by falsely putting down information or omitting information and admittedly falsely doing it in the petition,

he obviously must have known he was committing a perjurious act. And that seems to be – to go certainly to intent.

In addition, although not part of the bankruptcy code, it's my view that these actions cast a cloud, if you will, on the integrity of the judiciary, and that public officials, whether they're elected or appointed, have a duty to not have that kind of cloud cast on the integrity of the government.

If the public has no confidence in its courts, there aren't enough police officers, there are not enough judges, there are not enough officials of any kind that are . . . going to keep the peace in the public and make this an orderly society. There has to be that level of confidence, and this kind of activity certainly would attack and weaken that.

See Keir SITC at 1198:9 – 1199:6. *See also* HP Ex. 441(c) (Keir Task Force Hrg. at 72, 69–70) (explaining that “the whole system demands and depends upon the honesty of the honest but unfortunate person who seeks relief.” Individuals simply can't just decide “that they can do whatever they want, ignoring laws, and so long as you can't measure the particular damage of the violation, there is no violation at all. That would be chaos.”)

Article IV

303. As of the summer of 1994, Judge Porteous was engaged in two corrupt schemes, one with Creely and the law firm Amato & Creely (the “curatorship scheme”), the other with the Marcottes and their bail bonding operation. Each scheme involved Judge Porteous using his judicial power to enrich himself. With Amato & Creely, he would assign curatorships in order to receive a portion of the proceeds. With the Marcottes, he would help them by setting bonds as directed to maximize their profits and setting aside/expunging convictions of the Marcotte's employees. In return, Judge Porteous would receive a stream of benefits from the Marcottes.

See Proposed Findings of Fact in Articles I and II.

A. Judge Porteous's Statements

304. In 1994, Judge Porteous, in connection with his nomination to be a Federal judge, was the subject of an FBI background check and was required to submit to interviews, and fill out various forms and questionnaires.

See HP Ex. 69(b) (Porteous Background Check Documents).

305. Judge Porteous filled out and signed a document entitled “Supplement to Standard Form 86 (SF-86).” (The Standard Form 86 is entitled “Questionnaire for Sensitive Positions (For National Security)”). That form sets forth the following question and answer by Judge Porteous:

10S. [Question] Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause an embarrassment to you or to the President if publicly known? If so, please provide full details?

[Answer] NO

Judge Porteous signed that document under the following statement:

I understand that the information being provided on this supplement to the SF-86 is to be considered part of the original SF-86 dated April 27, 1994 and a false statement on this form is punishable by law.

See HP Ex. 69(b) (Porteous Background Check Documents at PORT 0298).

306. As part of the background check, Judge Porteous was interviewed by the FBI on July 6 and 8, 1994 about the contents of this form.

See HP Ex. 69(b) (Porteous Background Check Documents, at PORT 0298).

307. Judge Porteous, when interviewed by the FBI on July 6 and 8, 1994, was asked a series of questions designed to elicit information which might bear upon his fitness to serve as a federal judge. The FBI Agents, in their write-up of the interview, recorded Judge Porteous as stating:

ORTEOUS said he is not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgement, or discretion.

See HP Ex. 69(i) (Un-redacted copy of Porteous FBI interview).

308. In or about late July 1994, the FBI in New Orleans sent to FBI Headquarters in Washington D.C. the results of its initial background check. After review by FBI Headquarters, further investigation was requested. In particular, FBI Headquarters directed by way of a teletype that the agents ask specific questions of specific persons related to specific allegations concerning Judge Porteous's bond-setting practices. The agents were directed to inquire of specific persons whether Judge Porteous had received monies from an attorney to reduce bond in the "Keith Kline" case and whether he had improperly reduced a bond for money in another case. The agents were then directed to re-interview Judge Porteous to provide him with an opportunity to address the allegations.

See HP Ex. 69(b) (Porteous Background Check Documents at PORT 0478-480).

309. The instructions from FBI Headquarters to the agents in New Orleans, set forth in a teletype, specifically directed the agents to ask the "coercion/integrity" questions of the individuals who were to be interviewed or re-interviewed.

See HP Ex. 69(b) (Porteous Background Check Documents at PORT 0462-463).

310. Judge Porteous was interviewed a second time by the FBI on August 18, 1994, about concerns related to 1993 allegations that he had received monies from an attorney and a bail bondsman to reduce bond for Keith Kline. He was also questioned about his reduction of an unrelated bond where the bondsman was Adam Barnett. In the August 18, 1994 interview, FBI Agent Hamil, as directed by FBI Headquarters, also asked Judge Porteous the

“coercion/integrity” questions. In that interview, which Hamil memorialized in an FBI “302” on the same day, Judge Porteous stated “that he was unaware of anything in his background that might be the basis of attempted influence, pressure, coercion or compromise and/or would impact negatively on his character, reputation, judgement or discretion.”

See Ex. 69(b) (Porteous Background Check Documents at PORT 0493-494).

311. Judge Porteous was nominated for the position of federal judge on August 25, 1994.

See Ex. HP 9(a) (President Clinton’s Nomination of Judge Porteous).

312. On September 6, 1994, Judge Porteous, in his United States Senate Committee on the Judiciary “Questionnaire for Judicial Nominees,” was asked the following question and gave the following answer:

[Question] Please advise the Committee of any unfavorable information that may affect your nomination.

[Answer] To the best of my knowledge, I do not know of any unfavorable information that may affect my nomination.

The signature block in the form of an “Affidavit,” reads as follows:

AFFIDAVIT

I, Gabriel Thomas Porteous, Jr., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

Gretna, Louisiana, this 6 day of September, 1994.

It is signed by Judge Porteous and by a notary.

See Ex. HP 9(f) (Question 11 and Signature Block, pp 33-34).

313. Judge Porteous’s answers in response to the questions on all four occasions – two times by the FBI, once by the White House, and once by the Senate – were in each instance false, made with the intent to deceive, and made with intent of procuring the judicial office without disclosing material information which would have affected his obtaining the federal office.

See HP Ex. 69(b) (Supplement to Standard Form 86 at PORT 0298); HP Ex. 69(b) (FBI Interview dated August 18, 1994 at PORT 0492-494); HP Ex. 69(i) (FBI Interview dated July 8, 1994); and 9(f) Certified Copy of Judge Porteous’s Questionnaire for Judicial Nominees).

314. At no time during these interviews or in filling out the questionnaires did Judge Porteous inform the FBI, the White House, or the Senate that, at the very time he was being considered for a federal judgeship, he was engaged in two on-going corrupt relationships, namely, the “curatorship scheme” with Creely and the firm of Amato & Creely, and the corrupt relationship with the Marcottes and their bail bonding business.

See HP Ex. 69(b) (Supplement to Standard Form 86 at PORT 0298); HP Ex. 69(b) (FBI Interview dated August 18, 1994 at PORT 0492-494); HP Ex. 69(i) (FBI Interview dated July 8, 1994); and 9(f) Certified Copy of Judge Porteous’s Questionnaire for Judicial Nominees).

315. Judge Porteous’s knowledge of his relationship with Louis Marcotte should have been disclosed in either the questions he completed or in his interviews with the FBI.

B. The Marcotte Interviews

316. On August 1, 1994, Louis Marcotte was interviewed by the FBI. That interview is discussed at Finding 127–135. In substance, Louis Marcotte lied to the FBI about his knowledge of Judge Porteous’s financial circumstances, his alcohol usage, and in response to the general “integrity” questions. Louis Marcotte informed Judge Porteous of the substance of the August 1, 1994 interview and told Judge Porteous that he [Louis] had given Judge Porteous a “clean bill of health.” Thus, at the time Judge Porteous was re-interviewed by the FBI on August 18, and at the time he filled out his September 6 Senate questionnaire, he knew he could confidently conceal his corrupt relationship with Louis Marcotte from the FBI because Louis had mislead the FBI.

C. The Creely Interview

317. On August 1, 1994, Robert Creely was interviewed by the FBI as part of Judge Porteous’s background check. In that interview, Creely stated that he “knows of no financial problems on the part of the candidate, and the candidate appears to live within his economic means.”

See HP Ex. 69(b) (Porteous Background Documents at PORT 0476-477).

318. Creely’s statement that he “[knew] of no financial problems of Judge Porteous” was false, as Creely knew Judge Porteous had significant financial problems.

See Creely SITC 277:19-280:9 (“[N]o, he was not living within his means.”).

319. On the same day of Creely’s interview, Judge Porteous assigned Creely a curatorship, and continued to assign him curatorships – perpetrating the corrupt scheme – through his confirmation and swearing in.

See HP Ex. 189-219 (curatorship assigned by Judge Porteous to Creely on August 29, 1994) HP Ex. 189-222 (Sep. 21, 1994); HP Ex. 189-223 (Sep 13, 1994); HP Ex. 189-224 (August 1, 1994); HP Ex. 189-225 (August 9, 1994); HP Ex. 189-226 (August 18, 1994).

D. The Aubrey Wallace Set Aside and Judge Porteous's

320. At around the time of Judge Porteous's nomination, Louis Marcotte made several requests of him to set aside Aubry Wallace's conviction.

See Findings 136–143.

321. Louis Marcotte has consistently described this set of events surrounding the Wallace set aside. In his Senate deposition, he testified that in 2004, he was interviewed by the FBI. At that time, he had no idea that over six years later he may be called upon to relate this set of events in connection with the possible impeachment of Judge Porteous. At that deposition, Louis was asked the following about his 2004 statement to the FBI:

Q. So when you were saying things back then [in October 2004], you had no idea that in 2010, six years later, somebody was going to cover the same ground with you, did you?

A. I had no idea.

Q. I want to ask you about one statement that you made at the time in October 15th, 2004. I'm just going to read you the statement and ask if it's true, okay?

A. Okay.

* * *

Q. [Q]uote: "Porteous waited until the last days of his term as a 24th judicial district court judge to expunge Aubry Wallace's criminal record. Porteous did not want the fact that he expunged Wallace's record to be exposed in the media or discovered in his background investigation for the Federal judicial appointment. Porteous told Marcotte he, Porteous, would act on Wallace's expungement after he was appointed to the Federal judicial bench. Porteous told Marcotte he was not going to risk a lifetime judicial appointment for Wallace."

Is that a true statement?

A. That's a true statement.

Q. Okay. So when Mr. Turley asked if you had conversations with this lawyer who was involved, you had direct conversations with Judge Porteous about setting aside Wallace's conviction, is that right?

A. Yes, I did,

Q. And he said in substance, I'm going to hide that from the Senate because I don't want that to be known before they confirm me?

Isn't that what he said in substance?

A. Not in exactly those words but that's what he meant.

See HP Ex. 447 (Louis Marcotte Sen. Dep at 143:23-145:12).

322. Similarly, in his Task Force Testimony, in response to questions of Mr. Schiff, Louis Marcotte described the conversations he had with Judge Porteous concerning Wallace's set aside as follows:

Mr. SCHIFF. Can you tell us a little bit about the conversations you had with him where he indicated that he was concerned with confirmation if they found out about this or if the newspapers made it public?

Mr. LOUIS MARCOTTE. Yeah. He just didn't want to make himself—he was worried about the confirmation, but he was trying to—he didn't want anything to come up that would, you know, cause him a problem from being confirmed.

Mr. SCHIFF. And can you tell us what his words were, as best you can recall, how he expressed to you his concern that things might become public?

Mr. LOUIS MARCOTTE. He said, "Louis, I am not going to let Wallace get in the way of me of becoming a Federal judge and getting appointed for the rest of his life to set aside his conviction. Wait until it happens, and then I'll do it."

See HP Ex. 442 (Louis Marcotte TF Hrg. III at 60).

323. On September 20, 1994, Robert Rees, on behalf of Wallace, filed a "Motion to Amend Sentence."

See HP Ex. 82 (Motion to Amend Sentence, Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.), Sep. 20, 1994); HP Ex. 69(d) (Transcript of Proceedings, State of Louisiana v. Aubrey Wallace, No. 89-2360 (24th Judicial Dist. Ct., Jeff. Par.), Sept. 21, 1994 at PORT 0620-624).

324. On September 21, 1994, Judge Porteous held a hearing and amended Wallace's sentence so that the underlying burglary plea was under "Article 893E," a provision of the sentencing law which permits the defendant, upon successful completion of probation, to seek the conviction be set aside. Judge Porteous entered the order amending sentence orally at the hearing, and the following day entered a written order.

See HP Ex. 69(d) (Transcript of Proceedings, State of Louisiana v. Aubrey Wallace, No. 89-2360 (24th Judicial Dist. Ct., Jeff. Par.), Sept. 21, 1994 at PORT 0620-624); HP Ex. 82 (Order (amending sentence), Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.), Sep. 22, 1994.)

325. On that date, September 21, 1994, after having amended the sentence, there was nothing to prevent Judge Porteous from setting aside the conviction. However, consistent with his

previously expressed intent, Judge Porteous chose to wait until after he was confirmed by the Senate to set aside the conviction.

See Rees SITC 1986:8-1987-6.

326. Judge Porteous was confirmed by the Senate on October 7, 1994.

See HP Ex. 9(c) (Congressional Record Reflecting Senate Confirmation of Judge Porteous).

327. On October 14, 1994, Judge Porteous held a hearing at which he orally set aside Wallace's conviction. He issued a written order the same date to the same effect.

See HP Ex. 69(d) Transcript of Proceedings, State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud Dist. Ct., Jeff. Par., La.), Oct. 14, 1994, at PORT 0625-629; HP Ex. 82 (Order (setting aside arrest and dismissing charges), State of Louisiana v. Aubrey N. Wallace, No. 89-2360 (24th Jud. Dist Ct., Jeff. Par., La.), Oct. 14, 1994.)

328. Judge Porteous's actions in handling the Wallace set-aside matter were consistent with his expressed intent to conceal from the Senate his corrupt relationship with Louis Marcotte.

E. The "Catchall" Questions

329. The questions are sufficiently precise, and Judge Porteous was well aware of the conduct at issue that would naturally be disclosed in response to these questions, to conclude that the false answers were knowing and intentional. As Professor Akhil Amar testified:

[E]veryone knows what is actually at the core of the question[s]. Are you an honest person? Are you a person of integrity? Do you have the requisites to hold a position of honor, trust, and profit? Do you have judicial integrity?

That is at the core of all these questions. That is not at the periphery. And what he lied about was his gross misconduct as a judge: taking money from parties, taking money in cash envelopes, not reporting any of this to anyone. . . .

See HP Ex. 443 (To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part IV), Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives, 111th Cong. 34-35 (Dec. 15, 2009) (testimony of Prof Amar) (hereinafter "Amar Task Force Testimony"); *See* also Mackenzie SITC 2039:6-2040:4 (kickbacks to attorneys should have been disclosed in response to the catchall questions).

330. The "catchall" questions serve several valid and necessary purposes. 1) they dissuade persons from seeking Office if they know that to obtain it, they will need to lie under oath to conceal material facts; 2) they prevent an unworthy candidate from moving through the confirmation process and thereafter defending his or her failure to disclose because no question required the disclosure of negative information; and 3) it is not feasible to design a questionnaire that lists every possible species of disqualifying misconduct. Moreover, under no circumstances does the candidate have the right to lie.

See Mackenzie SITC 2052:16-2054:23; 2077:24-2078:8; 2079:19-21 (“I’m not opposed to the catchall questions.”); Amar Task Force Testimony at 34-35. (“[I]t would really be unfortunate if you had to ask specific questions of a green eggs and ham variety. Were you a crook in a box? Were you a crook with a fox? Were you a crook in the rain? On a train? You know, we know what those questions at their core was about, and he lied at the core. There is vagueness at the periphery, but this was really central.”); *Id.* at 42 (If a person does not want to answer the questions: “All he has to do is say, [‘]I do not wish to be considered for this position.[’]”)

331. The catchall nature of the questions posed to Judge Porteous are necessary to prevent an unworthy candidate from successfully moving through the confirmation process, and thereafter defending his or her failure to disclose because no question in the process required the disclosure of the negative information.

See Mackenzie SITC at 2077:14-2078:8, 2079:19-21 (“I’m not opposed to the catchall questions.”).

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES



Adam Schiff, Manager

By



Bob Goodlatte, Manager



Alan I. Baron
Special Impeachment Counsel

Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. "Hank" Johnson, F. James Sensenbrenner, Jr.

October 1, 2010

VII. FILINGS REGARDING EXHIBITS

In The Senate of the United States

Sitting as a Court of Impeachment

In re:
 Impeachment of G. Thomas Porteous, Jr.,
 United States District Judge for the
 Eastern District of Louisiana

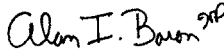
THE HOUSE OF REPRESENTATIVES'
STATEMENT CONCERNING AUTHENTICITY OF
JUDGE PORTEOUS'S EXHIBITS

The House of Representatives respectfully represents that, on the basis of information presently known, it has no objections based on authenticity to the exhibits Judge Porteous has designated.

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

By



Alan I. Baron
 Special Impeachment Counsel

Managers of the House of Representatives: Adam B. Schiff, Bob Goodlatte, Zoe Lofgren, Henry C. "Hank" Johnson, F. James Sensenbrenner, Jr.

September 8, 2010

In The Senate of the United States
Sitting as a Court of Impeachment

In re:)
Impeachment of G. Thomas Porteous, Jr.,)
United States District Judge for the)
Eastern District of Louisiana)

The House of Representatives' Trial Exhibits To Be Admitted Into Evidence

Trial Exhibit No.	Description	Status
HP Ex. 1	House Resolution 15: Authorizing Committee on the Judiciary to Inquire whether the House Should Impeach Judge Porteous January 13, 2009	Move to Admit
HP Ex. 2	Committee on the Judiciary Resolution Establishing Task Force January 22, 2009	Move to Admit
HP Ex. 3	Committee on the Judiciary Resolution Amending the January 22, 2009 Resolution May 12, 2009	Move to Admit
HP Ex. 4	Letter from John C. Keeney, Deputy Assistant Attorney General, to Chief Judge Edith H. Jones <u>Re: Complaint of Judicial Misconduct Concerning The Honorable G. Thomas Porteous, Jr.</u> May 18, 2007	Admitted
HP Ex. 5	Report by the Special Investigatory Committee to the Judicial Council of the United States Court of Appeals for the Fifth Circuit <u>In The Matter of Judge G. Thomas Porteous, Jr.</u> Docket No. 07-05-351-0085 November 20, 2007	Admitted
HP Ex. 6 (a)	<u>Memorandum Order and Certification</u> Judicial Council of the Fifth Circuit Docket No. 07-05-351-0085 December 20, 2007	Move to Admit
HP Ex. 6 (b)	Dissenting Opinion by Judge James Dennis <u>In The Matter of Judge G. Thomas Porteous, Jr.</u> Docket No. 07-05-351-0085 [Undated]	Admitted

Trial Exhibit No.	Description	Status
HP Ex. 6(c)	Judge G. Thomas Porteous, Jr.'s Reply Memorandum to the Special Investigatory Committee Report <u>In The Matter of G. Thomas Porteous, Jr.</u> December 5, 2007	Move to Admit
HP Ex. 7 (a)	Letter from James C. Duff, Secretary to the Judicial Conference of the United States to the Speaker of the House of Representatives June 18, 2008	Move to Admit
HP Ex. 7 (b)	Certificate to the Speaker of the United States House of Representatives June 17, 2009	Move to Admit
HP Ex. 7 (c)	Report and Recommendations of the Judicial Conference Committee on Judicial Conduct and Disability June 2008	Move to Admit
HP Ex. 8	<u>Order and Public Reprimand</u> by the Judicial Counsel of the Fifth Circuit (suspending Judge G. Thomas Porteous from the bench for two years) September 10, 2008	Move to Admit
HP Ex. 9 (a)	President Clinton's Nomination of Judge Porteous August 25, 1994	Move to Admit
HP Ex. 9 (b)	Excerpts from Senate Confirmation Hearings for Judge Porteous October 6, 1994	Move to Admit
HP Ex. 9 (c)	Congressional Record Reflecting Senate Confirmation of Judge Porteous October 7, 1994	Move to Admit
HP Ex. 9 (d)	Judge Porteous Appointment Affidavit October 28, 1994	Move to Admit
HP Ex. 9 (e)	Judge Porteous Resignation Letter to the 24 th Judicial District Court October 25, 1994	Move to Admit
HP Ex. 9 (f)	Certified Copy of Judge Porteous's Questionnaire for Judicial Nominees (received from the Senate Committee on the Judiciary)	Move to Admit
HP Ex. 10	Judge Porteous Fifth Circuit Testimony October 29, 2007	Move to Admit
HP Ex. 12	Robert Creely Fifth Circuit Testimony October 29, 2007	Move to Admit
HP Ex. 13	<u>Application for Compulsion Order</u> (for Robert Creely) and Immunity <u>Order</u> signed by Chief Judge Edith H. Jones August 3, 2007	Move to Admit
HP Ex. 17	<u>Application for Compulsion Order</u> (for Judge Porteous) and Immunity <u>Order</u> signed by Chief Judge Edith H. Jones October 5, 2007	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 20	Jacob Amato, Jr. Fifth Circuit Testimony October 29, 2007	Move to Admit
HP Ex. 21(a)	<u>Application for Compulsion Order</u> (for Jacob Amato, Jr.) and <u>Immunity Order</u> signed by Chief Judge Edith H. Jones August 3, 2007	Move to Admit
HP Ex. 21 (b)	Jacob Amato, Jr. Calendars 1999 – 2001	Move to Admit
HP Ex. 21 (c)	Jacob Amato, Jr. Credit Card Records	Move to Admit
HP Ex. 32	Don Gardner Fifth Circuit Testimony October 29, 2007	Move to Admit
HP Ex. 34	<u>Application for Compulsion Order</u> (for Don Gardner) and <u>Immunity Order</u> signed by Chief Judge Edith H. Jones August 3, 2007	Move to Admit
HP Ex. 35 (a)	Don Gardner Records re: Trips to Washington May–June 1994	Move to Admit
HP Ex. 35 (b)	Don Gardner Retainer Agreement (<i>In re: Liljeberg</i>) February 18, 1997	Admitted
HP Ex. 43	Rhonda Danos Fifth Circuit Testimony October 29, 2007	Move to Admit
HP Ex. 44	<u>Application for Compulsion Order</u> (for Rhonda Danos) and <u>Immunity Order</u> signed by Chief Judge Edith H. Jones August 3, 2007	Move to Admit
HP Ex. 48	FBI Surveillance Video March 11, 2002	Move to Admit
HP Ex. 50	PACER Docket Report: <i>In re: Liljeberg Enters. Inc., et al.</i> Case No.: 2:93-cv-01794-GTP	Move to Admit
HP Ex. 51 (a)	<u>Ex Parte Motion of Liljeberg Enterprises, Inc. to Substitute Counsel</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP September 19, 1996	Move to Admit
HP Ex. 51 (b)	<u>Order</u> (Granting Motion to Substitute Counsel) <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP September 23, 1996	Move to Admit
HP Ex. 52	<u>Motion to Recuse</u> (by Lifemark) and <u>Memorandum in Support of Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 1, 1996	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 53	<u>Memorandum in Opposition to Lifemark's Motion to Recuse Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</u> Case No.: 2:93-cv-01794-GTP October 9, 1996	Move to Admit
HP Ex. 54	<u>Motion for Leave to File Lifemark's Reply Memorandum to Liljeberg Enterprises Inc.'s Opposition to Motion to Recuse and Lifemark's Reply Memorandum to Liljeberg Enterprises, Inc.'s Opposition to Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 11, 1996	Move to Admit
HP Ex. 55	<u>Motion for Leave of Court to File Response to Lifemark's Reply Memorandum on Motion to Recuse and Memorandum in Support of Motion for Leave;</u> <u>Order; and</u> <u>Memorandum of Liljeberg Enterprises, Inc. and St. Jude Hospital of Kenner La., Inc. in Opposition to Reply Memorandum of Lifemark on Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 15, 1996	Move to Admit
HP Ex. 56	<u>Transcript</u> Re: Plaintiff's Motion to Recuse Before the Honorable G. Thomas Porteous, Jr., United States District Judge <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 16, 1996	Admitted
HP Ex. 57	<u>Judgment (Denying Lifemark's Motion to Recuse)</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 17, 1996	Move to Admit
HP Ex. 58	<u>Lifemark's Petition for Writ of Mandamus to Fifth Circuit Court of Appeals</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> October 24, 1996	Move to Admit
HP Ex. 59	<u>Order (Denying Petition for Writ of Mandamus)</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No. 96-31098 (Fifth Circuit Court of Appeals) October 28, 1996	Move to Admit
HP Ex. 60 (a)	<u>Ex Parte Motion of Lifemark to Enroll Additional Counsel of Record</u> (Don Gardner) <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP March 11, 1997	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 60 (b)	<u>Order</u> (Granting Lifemark's Motion to Enroll Don Gardner as Counsel) <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP March 12, 1997	Move to Admit
HP Ex. 61	<u>Trial Transcript Excerpts</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP July 17, 1997 and July 21, 1997	Move to Admit
HP Ex. 62	<u>Opinion</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP April 25, 2000	Move to Admit
HP Ex. 63	<u>Opinion</u> <i>In the Matter of Liljeberg Enterprises Inc.</i> 304 F.3d 410 (5th Cir. 2002) April 28, 2002	Admitted
HP Ex. 65	Joseph Mole Fifth Circuit Testimony October 29, 2007	Move to Admit
HP Ex. 67	Cover Emails and Clinton Presidential Records re: Judge Porteous	Move to Admit
HP Ex. 69 (a)	Department of Justice Document Production One (excerpts) June 18, 2009	Move to Admit
HP Ex. 69 (b) (in its entirety) ¹	FBI Background Check of Judge Porteous DOJ Production Two June 25, 2009	Move to Admit
HP Ex. 69 (b) PORT297 – 301	Porteous SF-86 (and Attachments)	Admitted
HP Ex. 69 (b) PORT491 – 494	Porteous FBI 302s August 17–18, 1994	Admitted
HP Ex. 69 (d) PORT594 – 597	MCC Interview (by Goyeneche and Rodosti) of Judge Porteous November 9, 1994	Admitted
HP Ex. 69 (d) PORT672	Section 881 (one page)	Admitted
HP Ex. 69 (i)	Judge Porteous FBI Interview Transcription Date: July 8, 1994	Admitted
HP Ex. 69 (j)	Judge Porteous FBI Interview Transcription Date: August 18, 1994 (Un-redacted version of document admitted in 69(b))	Move to Admit

¹ Should the Committee not grant the House's request to move Exhibit 69(b), in its entirety, into the record, the House seeks to move in the following discrete pages of Exhibit 69(b): PORT347–348 and PORT462–463.

Trial Exhibit No.	Description	Status
HP Ex. 69 (k)	Judge Porteous FBI Interview Transcription Date: August 18, 1994 (Un-redacted version of document admitted in 69(b))	Move to Admit
HP Ex. 70	PACER Docket Report: <i>United States v. Louis Marcotte and Lori Marcotte</i> Criminal No. 04:CR-00061-GPK	Move to Admit
HP Ex. 71 (a)	<u>Bill of Information</u> <i>United States v. Louis Marcotte III and Lori Marcotte</i> Criminal Docket No. 4-061 March 3, 2004	Admitted
HP Ex. 71 (b)	<u>Plea Agreement</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 February 20, 2004	Move to Admit
HP Ex. 71 (c)	<u>Plea Agreement Addendum</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit
HP Ex. 71 (d)	<u>Factual Basis</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit
HP Ex. 71 (e)	<u>Judgment</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 September 8, 2006	Admitted
HP Ex. 71 (f)	<u>Unsealed Pleadings</u> <i>United States v. Louis M. Marcotte III & Lori Marcotte</i> Criminal Docket No. 4-061	Move to Admit
HP Ex. 73 (a)	<u>Plea Agreement</u> <i>United States v. Lori Marcotte</i> Criminal Docket No.: 4-061 February 20, 2004	Move to Admit
HP Ex. 73 (b)	<u>Addendum to Plea Agreement</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit
HP Ex. 73 (c)	<u>Factual Basis</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit
HP Ex. 73 (d)	<u>Judgment</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 August 28, 2006	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 77 (a)	<u>Motion for Expungement</u> <i>State of Louisiana v. Jeffery J. Duhon</i> Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) (Undated, hearing set for July 15, 1993)	Admitted
HP Ex. 77 (b)	<u>Judgment of Expungement</u> <i>State of Louisiana v. Jeffery J. Duhon</i> Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) July 29, 1993	Admitted
HP Ex. 77 (c)	<u>Motion to Set Aside Conviction and Dismiss Prosecution and Order</u> <i>State of Louisiana v. Jeffery J. Duhon</i> Case No. 76-770 (24th Judicial District Court, Jefferson Parish, LA) June 17, 1993	Admitted
HP Ex. 81	Case File: <i>State of Louisiana v. Aubry N. Wallace</i> Case No. 89-001 24th Judicial District Court, Jefferson Parish, LA	Admitted
HP Ex. 82	Case File: <i>State of Louisiana v. Aubry N. Wallace</i> Case No. 89- 2360 24th Judicial District Court, Jefferson Parish, LA	Admitted
HP Ex. 88 (a)	<u>Indictment for Violation of the Federal Controlled Substances Act</u> <i>U.S. v. Ronald D. Bodenheimer and Curley J. Chewning</i> Criminal Docket No. 02-219 July 17, 2002	Move to Admit
HP Ex. 88 (b)	<u>Superseding Indictment for Violation of the Federal Controlled Substances Act</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 January 16, 2003	Move to Admit
HP Ex. 88 (c)	<u>Indictment for Conspiracy to Commit Mail Fraud, Mail Fraud, and Conspiracy to Violate Civil Rights Laws</u> <i>U.S. v. Ronald D. Bodenheimer, et al.</i> Criminal Docket No. 03-026 February 5, 2003	Move to Admit
HP Ex. 88 (d)	<u>Superseding Bill of Information</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 31, 2003	Admitted
HP Ex. 88 (e)	<u>Plea Agreement</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 28, 2003	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 88 (f)	<u>Factual Basis</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 28, 2003	Move to Admit
HP Ex. 88 (g)	<u>Supplement to Factual Basis</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 31, 2003	Move to Admit
HP Ex. 88 (h)	<u>Judgment and Probation/Commitment Order</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 April 28, 2004	Move to Admit
HP Ex. 88 (i)	<u>Unsealed Pleadings</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219	Move to Admit
HP Ex. 90 (a)	Professional Bail Agents of the United States Midyear Conference Program Royal Sonesta Hotel, New Orleans, LA July 11–13, 1996	Move to Admit
HP Ex. 90 (b)	Professional Bail Agents of the United States Midyear Conference Program Beau Rivage Hotel, Biloxi, MS July 17–21, 1999	Move to Admit
HP Ex. 91 (a)	Case File: <i>Bail Bonds Unlimited v. Dennis, et al.</i> Case No. 589-134 24th Judicial District Court, Jefferson Parish, LA	Move to Admit
HP Ex. 91 (b)	Case File: <i>Bail Bonds Unlimited v. Hollingsworth</i> Case No. 467-905 24th Judicial District Court, Jefferson Parish, LA	Move to Admit
HP Ex. 93 (a)	<u>Indictment</u> <i>United States v. Alan Green and Norman Bowley</i> Criminal Docket No. 04-295 September 29, 2004	Move to Admit
HP Ex. 93 (b)	<u>Judgment</u> <i>United States v. Alan Green</i> Criminal Docket No. 04-295 June 29, 2005	Move to Admit
HP Ex. 94 (a)	<u>Plea Agreement</u> <i>United States v. Norman Bowley</i> Criminal Docket No. 04-295 June 8, 2005	Move to Admit
HP Ex. 94 (b)	<u>Factual Basis</u> <i>United States v. Norman Bowley</i> Criminal Docket No. 04-295 June 9, 2005	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 94 (c)	<u>Judgment</u> <i>United States v. Norman Bowley</i> Criminal Docket No. 04-295 February 6, 2006	Move to Admit
HP Ex. 100 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/08/1995 Reporting Period: 01/01/1994 – 12/31/1994	Move to Admit
HP Ex. 100 (b)	1994 Financial Disclosure Instructions	Move to Admit
HP Ex. 101 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/01/1996 Reporting Period: 01/01/1995 – 12/31/1995	Move to Admit
HP Ex. 101 (b)	1995 Financial Disclosure Instructions	Move to Admit
HP Ex. 102 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/1997 Reporting Period: 01/01/1996 – 12/31/1996	Move to Admit
HP Ex. 102 (b)	1996 Financial Disclosure Instructions	Move to Admit
HP Ex. 103 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1998 Reporting Period: 01/01/1997 – 12/31/1997	Move to Admit
HP Ex. 103 (b)	1997 Financial Disclosure Instructions	Move to Admit
HP Ex. 104 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1999 Reporting Period: 01/01/1998 – 12/31/1998	Move to Admit
HP Ex. 104 (b)	1998 Financial Disclosure Instructions	Move to Admit
HP Ex. 105 (a)	Judge Porteous Financial Disclosure Form Date of Report: 05/05/2000 Reporting Period: 01/01/1999 – 12/31/1999	Move to Admit
HP Ex. 105 (b)	1999 Financial Disclosure Instructions	Move to Admit
HP Ex. 106 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/10/2001 Reporting Period: 01/01/2000 – 12/31/2000	Move to Admit
HP Ex. 106 (b)	2000 Financial Disclosure Instructions	Move to Admit
HP Ex. 107 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2002 Reporting Period: 01/01/2001 – 12/31/2001	Move to Admit
HP Ex. 107 (b)	2001 Financial Disclosure Instructions	Move to Admit
HP Ex. 108 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/09/2003 Reporting Period: 01/01/2002 – 12/31/2002	Move to Admit
HP Ex. 108 (b)	2002 Financial Disclosure Instructions	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 109(a)	Judge Porteous Financial Disclosure Report Date of Report: 5/6/2004 Reporting Period: 01/01/2003 – 12/31/2003	Move to Admit
HP Ex. 109 (b)	2003 Financial Disclosure Instructions	Move to Admit
HP Ex. 110 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/2005 Reporting Period: 01/01/2004 – 12/31/2004	Move to Admit
HP Ex. 110 (b)	2004 Financial Disclosure Instructions	Move to Admit
HP Ex. 111 (a)	Judge Porteous Financial Disclosure Report Date of Report: 07/24/2006 Reporting Period: 01/01/2005 – 12/31/2005	Move to Admit
HP Ex. 111 (b)	2005 Financial Disclosure Instructions	Move to Admit
HP Ex. 112 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2007 Reporting Period: 01/01/2006 – 12/31/2006	Move to Admit
HP Ex. 112 (b)	2006 Financial Disclosure Instructions	Move to Admit
HP Ex. 113	Judge Porteous Financial Disclosure Report Date of Report: 05/09/2008 Reporting Period: 01/01/2007 – 12/31/2007	Move to Admit
HP Ex. 114	Judge Porteous Financial Disclosure Report Date of Report: 05/14/2009 Reporting Period: 01/01/2008 – 12/31/2008	Move to Admit
HP Ex. 119 (a)	"Amending Sentence Questioned: Federal judge defends action." By: Joe Darby Times-Picayune (March 19, 1995)	Admitted
HP Ex. 119 (z)	"\$80,000 house is used as surety for \$300,000 in bonds." Unknown Author Times-Picayune (September 14, 1993)	Admitted
HP Ex. 122(b)	Lightfoot Crime Fraud Ruling October 19, 2004	Move to Admit
HP Ex. 124	Lightfoot Fifth Circuit Testimony October 29, 2007	Move to Admit
HP Ex. 125	Voluntary Petition for Bankruptcy ("Ortous") In the Matter of Porteous Case No. 01-12363 (Bankr. E.D. La.) March 28, 2001	Admitted
HP Ex. 126	Amended Voluntary Petition ("Porteous") In the Matter of Porteous Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	Admitted

Trial Exhibit No.	Description	Status
HP Ex. 127	Chapter 13 Schedules and Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 9, 2001	Admitted
HP Ex. 128	Notice of Meeting of Creditors (set for May 9, 2001) <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 19, 2001	Admitted
HP Ex. 129	Trustee's Memo to Record re: Meeting of Creditors <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	Move to Admit
HP Ex. 130	Meeting of Creditors Hearing Transcript <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	Move to Admit
HP Ex. 131	Amended Schedule F and Modified Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	Move to Admit
HP Ex. 132	Amended Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	Move to Admit
HP Ex. 133	Order Confirming Debtor's Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) June 28, 2001	Admitted
HP Ex. 134	Trustee's Notice of Intention to Pay Claims <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) Oct. 4, 2001	Move to Admit
HP Ex. 135	Trustee's Ex Parte Motion to Amend the Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.)	Move to Admit
HP Ex. 136	Trustee's Final Report <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 2004	Move to Admit
HP Ex. 137	Discharge of Debtor After Completion of Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004	Move to Admit
HP Ex. 138 (a)	Lightfoot Handwritten Notes	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 138 (b)	Bankruptcy Worksheets	Move to Admit
HP Ex. 139	Cover Letter and Remainder of Lightfoot File	Move to Admit
HP Ex. 140	Fleet Credit Card Statements (***0658) February 13, 2001 – September 15, 2001	Move to Admit
HP Ex. 141	2000 Porteous Tax Return March 23, 2001	Admitted
HP Ex. 143	Fidelity Money Market Statement of Transaction Items (showing balance of over \$623.91 on March 22, 2001)	Move to Admit
HP Ex. 144	Porteous Bank One Records January 25, 2001 – April 23, 2001	Move to Admit
HP Ex. 145	P.O. Box Application March 20, 2001	Admitted
HP Ex. 146	Lightfoot Letter re: Workout Proposal / Excluding Regions December 21, 2000	Move to Admit
HP Ex. 148	Bankruptcy Pamphlet: "Rights and Responsibilities"	Admitted
HP Ex. 149	Harrah's Casino Credit Application April 30, 2001	Move to Admit
HP Ex. 167	Porteous Credit Card Statement for December 1996	Move to Admit
HP Ex. 168	Porteous Credit Card Statement for December 1997	Move to Admit
HP Ex. 169	Porteous Credit Card Statements for December 1998	Move to Admit
HP Ex. 170	Porteous Credit Card Statements for December 1999	Move to Admit
HP Ex. 171	Porteous Credit Card Statements for December 2000	Move to Admit
HP Ex. 188	Letter from Jon A. Gegenheimer, Clerk of Court, Jefferson Parish, Louisiana, to Special Agent Wayne Horner Re: Curator Fees July 22, 2010	Move to Admit
HP Ex. 189 (1)	Curatorship: <i>Arseneaux v. Johnson</i> Case No. 363-652 (May 26, 1988)	Move to Admit
HP Ex. 189 (2)	Curatorship: <i>Citicorp v. Wolf</i> Case No. 365-064 (June 23, 1988)	Move to Admit
HP Ex. 189 (3)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Hood</i> Case No. 367-074 (August 3, 1988)	Move to Admit
HP Ex. 189 (4)	UNMARKED	
HP Ex. 189 (5)	Curatorship: <i>Standard Mortgage Corp. v. Alonte and Pfeiffer</i> Case No. 367-321 (August 8, 1988) (Division A)	Move to Admit
HP Ex. 189 (6)	Curatorship: <i>Victor Federal Savings & Loan Ass'n v. Bushell</i> Case No. 367-901 (August 17, 1988)	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 189 (7)	UNMARKED	
HP Ex. 189 (8)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Ray</i> Case No. 368-819 (September 6, 1988)	Move to Admit
HP Ex. 189 (9)	UNMARKED	
HP Ex. 189 (10)	Curatorship: <i>United Federal Savings & Loan Ass'n v. Muse</i> Case No. 369-269 (September 14, 1988)	Move to Admit
HP Ex. 189 (11)	Curatorship: <i>Foster Mortgage Corp. v. Alexander</i> Case No. 369-956 (September 28, 1988)	Move to Admit
HP Ex. 189 (12)	Curatorship: <i>Hibernia Nat'l Bank v. Jeffrey</i> Case No. 370-035 (September 29, 1988)	Move to Admit
HP Ex. 189 (13)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Howell</i> Case No. 370-287 (October 5, 1988)	Move to Admit
HP Ex. 189 (14)	Curatorship: <i>Alabama Fed. Savings & Loan Ass'n v. Brayton</i> Case No. 370-355 (October 5, 1988)	Move to Admit
HP Ex. 189 (15)	UNMARKED	
HP Ex. 189 (16)	Curatorship: <i>Troy & Nichols Inc. v. Lachney</i> Case No. 370-771 (October 13, 1988)	Move to Admit
HP Ex. 189 (17)	Curatorship: <i>Shawmut First Mortgage Corp. v. Carto</i> Case No. 370-849 (October 14, 1988)	Move to Admit
HP Ex. 189 (18)	Curatorship: <i>First Union Mortgage Corp. v. Wyatt</i> Case No. 372-352 (November 17, 1988)	Move to Admit
HP Ex. 189 (19)	Curatorship: <i>First Nat'l Bank of Commerce v. Every</i> Case No. 372-881 (November 30, 1988)	Move to Admit
HP Ex. 189 (20)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Mackey</i> Case No. 372-944 (December 3, 1988)	Move to Admit
HP Ex. 189 (21)	UNMARKED	
HP Ex. 189 (22)	Curatorship: <i>The First Nat'l Bank of Commerce v. Ordaz</i> Case No. 373-705 (December 16, 1988)	Move to Admit
HP Ex. 189 (23)	Curatorship: <i>Government Nat'l Mortgage Ass'n v. Corwin</i> Case No. 373-707 (December 19, 1988)	Move to Admit
HP Ex. 189 (24)	Curatorship: <i>Standard Mortgage Corp. v. Boxx</i> Case No. 374-742 (January 17, 1989)	Move to Admit
HP Ex. 189 (25)	Curatorship: <i>First Nat'l Bank of Commerce v. Hussain</i> Case No. 378-003 (March 20, 1989)	Move to Admit
HP Ex. 189 (26)	UNMARKED	
HP Ex. 189 (27)	Curatorship: <i>Colonial Mortgage Co. v. Bridges</i> Case No. 379-424 (April 17, 1989)	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 189 (28)	Curatorship: <i>Foster Mortgage Co. v. Croon</i> Case No. 379-802 (April 14, 1989) (Division A)	Move to Admit
HP Ex. 189 (29)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Strahley</i> Case No. 381-779 (May 30, 1989)	Move to Admit
HP Ex. 189 (30)	UNMARKED	
HP Ex. 189 (31)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Carter</i> Case No. 382-048 (June 2, 1989)	Move to Admit
HP Ex. 189 (32)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Washington</i> Case No. 382-229 (June 6, 1989)	Move to Admit
HP Ex. 189 (33)	Curatorship: <i>Buckeye Federal Savings & Loan Ass'n v. Eugene</i> Case No. 382-275 (June 7, 1989) (Division A)	Move to Admit
HP Ex. 189 (34)	Curatorship: <i>First Federal Savings Bank v. Landry</i> Case No. 383-658 (June 30, 1989)	Move to Admit
HP Ex. 189 (35)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Young</i> Case No. 383-859 (July 7, 1989) (Division A)	Move to Admit
HP Ex. 189 (36)	Curatorship: <i>Gattuso v. Robin Realty Inc.</i> Case No. 384-277 (July 14, 1989)	Move to Admit
HP Ex. 189 (37)	Curatorship: <i>Colonial Mortgage Co. v. Wire</i> Case No. 384-327 (July 17, 1989)	Move to Admit
HP Ex. 189 (38)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Vining</i> Case No. 386-273 (August 23, 1989)	Move to Admit
HP Ex. 189 (39)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Elbaz</i> Case No. 386-965 (September 6, 1989)	Move to Admit
HP Ex. 189 (40)	Curatorship: <i>Meritor Mortgage Corp. East v. Bass</i> Case No. 388-308 (September 29, 1989)	Move to Admit
HP Ex. 189 (41)	Curatorship: <i>Sovan Mortgage Corp. v. Murray</i> Case No. 390-233 (November 8, 1989)	Move to Admit
HP Ex. 189 (42)	Curatorship: <i>Beneficial Finance Co. of Louisiana v. Guidry</i> Case No. 390-663 (November 17, 1989)	Move to Admit
HP Ex. 189 (43)	Curatorship: <i>Standard Mortgage Corp. v. Arceneaux</i> Case No. 389-960 (November 2, 1989)	Move to Admit
HP Ex. 189 (44)	Curatorship: <i>Mutual Savings & Loan Ass'n v. Wilson</i> Case No. 391-574 (December 7, 1989)	Move to Admit
HP Ex. 189 (45)	Curatorship: <i>National City Mortgage Co. v. Harris</i> Case No. 392-006 (December 18, 1989)	Move to Admit
HP Ex. 189 (46)	Curatorship: <i>American General Finance Co. v. Gros</i> Case No. 392-036 (December 18, 1989)	Move to Admit
HP Ex. 189 (47)	Curatorship: <i>Bancboston Mortgage Corp. v. Simoulidis</i> Case No. 392-510 (December 29, 1989)	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 189 (48)	Curatorship: <i>Delta Bank & Trust Co. v. Webb</i> Case No. 392-742 (January 5, 1990)	Move to Admit
HP Ex. 189 (49)	UNMARKED	Move to Admit
HP Ex. 189 (50)	Curatorship: <i>Southwest Savings Ass'n v. Thompson</i> Case No. 393-827 (January 25, 1990)	Move to Admit
HP Ex. 189 (51)	Curatorship: <i>Victoria Mortgage Co. v. McKee</i> Case No. 394-035 (January 30, 1990)	Move to Admit
HP Ex. 189 (52)	Curatorship: <i>H.B. White and Sons, Inc. v. Hutchinson</i> Case No. 394-479 (February 7, 1990)	Move to Admit
HP Ex. 189 (53)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Smith</i> Case No. 394-566 (February 8, 1990)	Move to Admit
HP Ex. 189 (54)	Curatorship: <i>First Nat'l Bank of Commerce v. Lopez</i> Case No. 395-011 (February 15, 1990)	Move to Admit
HP Ex. 189 (55)	Curatorship: <i>Am. Thrift and Finance Plan, Inc. v. Walker</i> Case No. 394-668 (February 12, 1990)	Move to Admit
HP Ex. 189 (56)	Curatorship: <i>Fed. Home Loan Mortgage v. Price & Finley</i> Case No. 395-440 (February 12, 1990)	Move to Admit
HP Ex. 189 (57)	UNMARKED	Move to Admit
HP Ex. 189 (58)	Curatorship: <i>Barclays American Mortgage Corp. v. Coleman</i> Case No. 395-723 (March 5, 1990)	Move to Admit
HP Ex. 189 (59)	Curatorship: <i>U.S. Secretary of Veterans Affairs v. Ducote</i> Case No. 395-988 (March 9, 1990)	Move to Admit
HP Ex. 189 (60)	Curatorship: <i>Blazer Financial Serv. v. Powell</i> Case No. 393-826 (March 26, 1990)	Move to Admit
HP Ex. 189 (61)	Curatorship: <i>First Nat'l Bank v. Richland & Assoc., Inc.</i> Case No. 397-224 (March 29, 1990)	Move to Admit
HP Ex. 189 (62)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Rhodes</i> Case No. 430-148 (April 1, 1992)	Move to Admit
HP Ex. 189 (63)	Curatorship: <i>First Guaranty Mortgage Corp. v. Russell</i> Case No. 397-308 (April 2, 1990)	Move to Admit
HP Ex. 189 (64)	Curatorship: <i>Citicorp Mortgage, Inc. v. Waguespack</i> Case No. 397-910 (April 11, 1990)	Move to Admit
HP Ex. 189 (65)	Curatorship: <i>Franklin Savings Ass'n v. Dales</i> Case No. 397-929 (April 11, 1990)	Move to Admit
HP Ex. 189 (66)	UNMARKED	
HP Ex. 189 (67)	Curatorship: <i>Tory & Nichols, Inc. v. Lewis, et al.</i> Case No. 398-467 (April 23, 1990)	Move to Admit
HP Ex. 189 (68)	Curatorship: <i>Fifth District Savings & Loan Ass'n v. Trencu</i> Case No. 399-387 (May 10, 1990)	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 189 (69)	Curatorship: <i>Franklin Savings Ass'n v. Musgrove</i> Case No. 400-119 (May 23, 1990)	Move to Admit
HP Ex. 189 (70)	UNMARKED	
HP Ex. 189 (71)	Curatorship: <i>Leader Federal Bank for Savings v. Ware</i> Case No. 400-913 (June 8, 1990)	Move to Admit
HP Ex. 189 (72)	Curatorship: <i>Courtesy Fin. Servs., Inc. v. Anderson & Davis</i> Case No. 401-600 (June 22, 1990)	Move to Admit
HP Ex. 189 (73)	Curatorship: <i>Resolution Trust Corp. v. Guastella</i> Case No. 402-214 (July 6, 1990)	Move to Admit
HP Ex. 189 (74)	Curatorship: <i>Troy & Nichols, Inc. v. Bloecher</i> Case No. 404-087 (August 8, 1990)	Move to Admit
HP Ex. 189 (75)	Curatorship: <i>In Re: Interdiction of Peppers</i> Case No. 405-232 (August 30, 1990)	Move to Admit
HP Ex. 189 (76)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Metcalf</i> Case No. 405-793 (September 12, 1990) (Division A)	Move to Admit
HP Ex. 189 (77)	UNMARKED	
HP Ex. 189 (78)	Curatorship: <i>Standard Mortgage Corp. v. Williams</i> Case No. 406-038 (September 18, 1990)	Move to Admit
HP Ex. 189 (79)	Curatorship: <i>Succession of Abril</i> Case No. 406-299 (September 24, 1990)	Move to Admit
HP Ex. 189 (80)	Curatorship: <i>Foster Mortgage Corp. v. Blakely</i> Case No. 407-210 (October 11, 1990)	Move to Admit
HP Ex. 189 (81)	Curatorship: <i>Resolution Trust Corp. v. Kearney</i> Case No. 408-362 (November 5, 1990)	Move to Admit
HP Ex. 189 (82)	Curatorship: <i>Resolution Trust Corp. v. Batiste</i> Case No. 408-817 (November 14, 1990)	Move to Admit
HP Ex. 189 (83)	UNMARKED	
HP Ex. 189 (84)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Albert</i> Case No. 409-824 (December 10, 1990)	Move to Admit
HP Ex. 189 (85)	Curatorship: <i>Resolution Trust Corp. v. Cantrelle</i> Case No. 409-873 (December 11, 1990)	Move to Admit
HP Ex. 189 (86)	UNMARKED	
HP Ex. 189 (87)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Champagne</i> Case No. 410-042 (December 14, 1990)	Move to Admit
HP Ex. 189 (88)	Curatorship: <i>Louisiana Housing Finance Agency v. Kramer</i> Case No. 411-621 (January 23, 1991)	Move to Admit
HP Ex. 189 (89)	UNMARKED	
HP Ex. 189 (90)	UNMARKED	

Trial Exhibit No.	Description	Status
HP Ex. 189 (91)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Joia</i> Case No. 413-517 (March 5, 1991)	Move to Admit
HP Ex. 189 (92)	Curatorship: <i>Standard Mortgage Corp. v. Shaw</i> Case No. 413-632 (March 6, 1991)	Move to Admit
HP Ex. 189 (93)	Curatorship: <i>Standard Mortgage Corp. v. Barrios</i> Case No. 414-445 (March 21, 1991)	Move to Admit
HP Ex. 189 (94)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Walther</i> Case No. 415-138 (April 5, 1991)	Move to Admit
HP Ex. 189 (95)	Curatorship: <i>The Fidelity Homestead Ass'n v. Letona</i> Case No. 415-650 (April 16, 1991)	Move to Admit
HP Ex. 189 (96)	Curatorship: <i>Standard Mortgage Corp. v. Lampo</i> Case No. 416-007 (April 24, 1991)	Move to Admit
HP Ex. 189 (97)	UNMARKED	
HP Ex. 189 (98)	UNMARKED	
HP Ex. 189 (99)	Curatorship: <i>Resolution Trust Corp. v. Van Cleef</i> Case No. 416-462 (May 2, 1991)	Move to Admit
HP Ex. 189 (100)	Curatorship: <i>Phillips v. Singletary</i> Case No. 416-630 (May 7, 1991)	Move to Admit
HP Ex. 189 (101)	Curatorship: <i>First Nat'l Bank of Commerce v. Cucinello</i> Case No. 417-432 (May 22, 1991)	Move to Admit
HP Ex. 189 (102)	UNMARKED	
HP Ex. 189 (103)	UNMARKED	
HP Ex. 189 (104)	Curatorship: <i>Resolution Trust Corp. v. Rapp and Doucet</i> Case No. 418-422 (June 13, 1991) (Division A)	Move to Admit
HP Ex. 189 (105)	Curatorship: <i>Phillips v. Coston</i> Case No. 419-523 (July 8, 1991)	Move to Admit
HP Ex. 189 (106)	UNMARKED	
HP Ex. 189 (107)	Curatorship: <i>Miller v. Final Word, Inc.</i> Case No. 420-376 (July 24, 1991)	Move to Admit
HP Ex. 189 (108)	Curatorship: <i>Resolution Trust Corp. v. Napier</i> Case No. 420-489 (July 25, 1991)	Move to Admit
HP Ex. 189 (109)	Curatorship: <i>Standard Mortgage Corp. v. Tornabene</i> Case No. 520-632 (July 26, 1991)	Move to Admit
HP Ex. 189 (110)	UNMARKED	
HP Ex. 189 (111)	Curatorship: <i>Hibernia Nat'l Bank v. Alfortish</i> Case No. 421-180 (August 8, 1991)	Move to Admit
HP Ex. 189 (112)	UNMARKED	

Trial Exhibit No.	Description	Status
HP Ex. 189 (113)	UNMARKED	
HP Ex. 189 (114)	Curatorship: <i>In Re: Interdiction of Poche</i> Case No. 422-162 (August 30, 1991)	Move to Admit
HP Ex. 189 (115)	UNMARKED	
HP Ex. 189 (116)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Massa</i> Case No. 422-559 (September 9, 1991)	Move to Admit
HP Ex. 189 (117)	UNMARKED	
HP Ex. 189 (118)	Curatorship: <i>American Thrift and Fin. Plan, Inc. v. Johnson</i> Case No. 423-088 (September 19, 1991)	Move to Admit
HP Ex. 189 (119)	Curatorship: <i>Standard Mortgage Corp. v. Contreras</i> Case No. 423-366 (September 25, 1991)	Move to Admit
HP Ex. 189 (120)	Curatorship: <i>Leader Federal Bank for Savings v. Mauer</i> Case No. 423-845 (October 7, 1991)	Move to Admit
HP Ex. 189 (121)	Curatorship: <i>Jawaid v. Aamir</i> Case No. 423-933 (October 8, 1991)	Move to Admit
HP Ex. 189 (122)	Curatorship: <i>Security Industrial Ins. Co. v. Queyrouze</i> Case No. 424-264 (October 16, 1991)	Move to Admit
HP Ex. 189 (123)	Curatorship: <i>Resolution Trust Corps. v. Becker</i> Case No. 424-288 (October 16, 1991)	Move to Admit
HP Ex. 189 (124)	Curatorship: <i>Anchor Savings Bank v. Brown</i> Case No. 424-427 (October 18, 1991)	Move to Admit
HP Ex. 189 (125)	Curatorship: <i>Amsouth Mortgage Co., Inc. v. Stephenson</i> Case No. 424-729 (October 25, 1991)	Move to Admit
HP Ex. 189 (126)	UNMARKED	
HP Ex. 189 (127)	Curatorship: <i>Standard Mortgage Corp. v. Hudson</i> Case No. 425-730 (November 19, 1991)	Move to Admit
HP Ex. 189 (128)	UNMARKED	
HP Ex. 189 (129)	UNMARKED	
HP Ex. 189 (130)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Bonnacerrere</i> Case No. 410-458 (December 26, 1991)	Move to Admit
HP Ex. 189 (131)	Curatorship: <i>General Motors Acceptance Corp. v. Bowles</i> Case No. 427-449 (January 6, 1992)	Move to Admit
HP Ex. 189 (132)	Curatorship: <i>Security Nat'l #4 v. Worldwide Warehouse Co.</i> Case No. 427-506 (January 7, 1992) (Division A)	Move to Admit
HP Ex. 189 (133)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Kosterlitz</i> Case No. 427-682 (January 10, 1992)	Move to Admit
HP Ex. 189 (134)	Curatorship: <i>Fleet Mortgage Corp. v. Collins</i> Case No. 427-791 (January 13, 1992)	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 189 (135)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Picciotto</i> Case No. 428-430 (January 28, 1992)	Move to Admit
HP Ex. 189 (136)	Curatorship: <i>In Re: Interdiction of Rivera</i> Case No. 429-354 (February 18, 1992) (Division A)	Move to Admit
HP Ex. 189 (137)	Curatorship: <i>Marchiafava v. Hernandez</i> Case No. 429-485 (February 19, 1992)	Move to Admit
HP Ex. 189 (138)	Curatorship: <i>Associates Equity Services Co., Inc. v. Pineda</i> Case No. 430-027 (February 28, 1992)	Move to Admit
HP Ex. 189 (139)	Curatorship: <i>Security Nat'l Trust v. S. Parish Oil Co.</i> Case No. 430-580 (March 13, 1992)	Move to Admit
HP Ex. 189 (140)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Marino</i> Case No. 431-576 (April 6, 1992)	Move to Admit
HP Ex. 189 (141)	Curatorship: <i>Leader Federal Bank for Savings v. Mason</i> Case No. 431-912 (April 13, 1992)	Move to Admit
HP Ex. 189 (142)	Curatorship: <i>Nat'l Mortgage Co. v. Ellis</i> Case No. 432-904 (May 4, 1992)	Move to Admit
HP Ex. 189 (143)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Kidd</i> Case No. 432-990 (May 6, 1992)	Move to Admit
HP Ex. 189 (144)	Curatorship: <i>Succession of Gisclair</i> Case No. 433-124 (May 8, 1992)	Move to Admit
HP Ex. 189 (145)	Curatorship: <i>Succession of Willis</i> Case No. 433- 440 (May 14, 1992)	Move to Admit
HP Ex. 189 (146)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Himelfard</i> Case No. 374-987 (March 16, 1990)	Move to Admit
HP Ex. 189 (147)	Curatorship: <i>Leader Federal Savings & Loan Ass'n v. Verdon</i> Case No. 373-782 (December 20, 1988)	Move to Admit
HP Ex. 189 (148)	Curatorship: <i>Ford Consumer Finance Co., Inc. v. Billiot</i> Case No. 433-676 (May 20, 1992)	Move to Admit
HP Ex. 189 (149)	UNMARKED	
HP Ex. 189 (150)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Collins</i> Case No. 434-713 (June 11, 1992)	Move to Admit
HP Ex. 189 (151)	Curatorship: <i>Hibernia Nat'l Bank v. McKeehan</i> Case No. 434-781 (June 12, 1992)	Move to Admit
HP Ex. 189 (152)	Curatorship: <i>Colonial Mortgage Co. v. Blanchette</i> Case No. 435-168 (June 22, 1992)	Move to Admit
HP Ex. 189 (153)	Curatorship: <i>Countrywide Funding Corp. v. Roy</i> Case No. 435-714 (July 2, 1992)	Move to Admit
HP Ex. 189 (154)	Curatorship: <i>Vanderbilt Mortgage & Finance, Inc. v. Nettles</i> Case No. 435-939 (July 8, 1992)	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 189 (155)	Curatorship: <i>Union Planters Nat'l Bank v. Huggins</i> Case No. 436-054 (July 10, 1992)	Move to Admit
HP Ex. 189 (156)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Lord, et al.</i> Case No. 431-491 (July 15, 1992)	Move to Admit
HP Ex. 189 (157)	Curatorship: <i>Midfirst Bank v. Reed</i> Case No. 436-534 (July 20, 1992)	Move to Admit
HP Ex. 189 (158)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Bishop</i> Case No. 436-651 (July 22, 1992)	Move to Admit
HP Ex. 189 (159)	Curatorship: <i>National Mortgage Co. v. Ragan</i> Case No. 436-706 (July 22, 1992)	Move to Admit
HP Ex. 189 (160)	Curatorship: <i>Hibernia Nat'l Bank v. Ramirez</i> Case No. 436-835 (July 24, 1992)	Move to Admit
HP Ex. 189 (161)	Curatorship: <i>Troy & Nichols, Inc. v. Tharpe</i> Case No. 436-903 (July 27, 1992)	Move to Admit
HP Ex. 189 (162)	Curatorship: <i>Countrywide Funding Corp. v. Johnson</i> Case No. 437-330 (August 4, 1992)	Move to Admit
HP Ex. 189 (163)	Curatorship: <i>American General Finance, Inc. v. Edmonson</i> Case No. 437-431 (August 6, 1992)	Move to Admit
HP Ex. 189 (164)	Curatorship: <i>Standard Mortgage Corp. v. Wetwiski</i> Case No. 438-254 (August 27, 1992)	Move to Admit
HP Ex. 189 (165)	Curatorship: <i>Hibernia Nat'l Bank v. Hinds</i> Case No. 438-324 (August 28, 1992)	Move to Admit
HP Ex. 189 (166)	Curatorship: <i>Independence Savings Bank v. Blancq</i> Case No. 438-405 (August 31, 1992)	Move to Admit
HP Ex. 189 (167)	Curatorship: <i>Troy & Nichols, Inc. v. Wegmann</i> Case No. 438-832 (September 10, 1992)	Move to Admit
HP Ex. 189 (168)	Curatorship: <i>Foster Mortgage Corp. v. Favaloro</i> Case No. 438-905 (September 11, 1992)	Move to Admit
HP Ex. 189 (169)	Curatorship: <i>Colonial Mortgage Co. v. Powery</i> Case No. 439-460 (September 24, 1992)	Move to Admit
HP Ex. 189 (170)	Curatorship: <i>Premier Bank v. Marshall</i> Case No. 440-347 (October 15, 1992)	Move to Admit
HP Ex. 189 (171)	Curatorship: <i>Citibank v. Durel</i> Case No. 440-678 (October 23, 1992)	Move to Admit
HP Ex. 189 (172)	Curatorship: <i>Nat'l Mortgage Co. v. Cheng</i> Case No. 440-849 (October 27, 1992)	Move to Admit
HP Ex. 189 (173)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Nguyen</i> Case No. 441-033 (November 2, 1992)	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 189 (174)	Curatorship: <i>Standard Mortgage Corp., v. De Armas</i> Case No. 441-214 (November 5, 1992)	Move to Admit
HP Ex. 189 (175)	Curatorship: <i>First Nat'l Bank of Jefferson Parrish v. Berkeley</i> Case No. 442-832 (December 17, 1992)	Move to Admit
HP Ex. 189 (176)	Curatorship: <i>Colonial Mortgage Co. v. Salaz, et al.</i> Case No. 443-287 (January 4, 1993)	Move to Admit
HP Ex. 189 (177)	Curatorship: <i>Hibernia Nat'l Bank v. Rodrigue</i> Case No. 449-686 (January 7, 1993)	Move to Admit
HP Ex. 189 (178)	Curatorship: <i>Real Estate Financing, Inc. v. Rodriguez</i> Case No. 444-337 (January 27, 1993)	Move to Admit
HP Ex. 189 (179)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Williams</i> Case No. 444-475 (January 29, 1993)	Move to Admit
HP Ex. 189 (180)	Curatorship: <i>New South Federal Savings Bank v. Ray</i> Case No. 444-504 (February 1, 1993)	Move to Admit
HP Ex. 189 (181)	Curatorship: <i>Standard Mortgage Corp. v. Winn</i> Case No. 444-568 (February 2, 1993)	Move to Admit
HP Ex. 189 (182)	Curatorship: <i>United States v. Buxton</i> Case No. 444-608 (February 3, 1993)	Move to Admit
HP Ex. 189 (183)	Curatorship: <i>Eastern Savings Bank, FSB v. Edmonston</i> Case No. 445-440 (February 24, 1993)	Move to Admit
HP Ex. 189 (184)	Curatorship: <i>First Heights Bank v. Martin</i> Case No. 440-992 (March 2, 1993)	Move to Admit
HP Ex. 189 (185)	Curatorship: <i>Associates Financial Services of America, Inc. v. Pritchett</i> Case No. 446-138 (April 2, 1993)	Move to Admit
HP Ex. 189 (186)	Curatorship: <i>Mortgage Properties Corp. v. Rheiner</i> Case No. 446-694 (April 2, 1993)	Move to Admit
HP Ex. 189 (187)	Curatorship: <i>The U.S. Secretary of Veterans Affairs v. Melton</i> Case No. 447-979 (April 27, 1993)	Move to Admit
HP Ex. 189 (188)	Curatorship: <i>Colonial Mortgage Co. v. Accardo</i> Case No. 448-059 (April 28, 1993)	Move to Admit
HP Ex. 189 (189)	Curatorship: <i>Nat'l Mortgage Co. v. Gomez</i> Case No. 449-463 (June 2, 1993)	Move to Admit
HP Ex. 189 (190)	Curatorship: <i>Charles F. Curry Co. v. Smith</i> Case No. 449-927 (June 11, 1993)	Move to Admit
HP Ex. 189 (191)	UNMARKED	
HP Ex. 189 (192)	Curatorship: <i>Wachovia Mortgage Co. v. Ware</i> Case No. 451-584 (July 19, 1993)	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 189 (193)	Curatorship: <i>Mortgage Properties Corp. v. Krause</i> Case No. 451-772 (July 23, 1993)	Move to Admit
HP Ex. 189 (194)	Curatorship: <i>City of Kenner v. Rodzen</i> Case No. 452-302 (August 4, 1993)	Move to Admit
HP Ex. 189 (195)	Curatorship: <i>Leader Federal Bank for Savings v. Salmeron</i> Case No. 452-464 (August 9, 1993)	Move to Admit
HP Ex. 189 (196)	Curatorship: <i>STM Mortgage Co. v. Nicholson, et al.</i> Case No. 452-466 (August 9, 1993)	Move to Admit
HP Ex. 189 (197)	Curatorship: <i>Nat'l Mortgage Co. v. Bland</i> Case No. 452-817 (August 17, 1993)	Move to Admit
HP Ex. 189 (198)	Curatorship: <i>First Nat'l Bank of Chicago v. Castro</i> Case No. 453-498 (September 1, 1993)	Move to Admit
HP Ex. 189 (199)	Curatorship: <i>Standard Mortgage Corp. v. Bethay</i> Case No. 453-829 (September 9, 1993)	Move to Admit
HP Ex. 189 (200)	Curatorship: <i>Fed. Home Loan Mortgage v. Estate of Wooley</i> Case No. 454-538 (September 27, 1993)	Move to Admit
HP Ex. 189 (201)	Curatorship: <i>Succession of Rome</i> Case No. 455-809 (October 28, 1993)	Move to Admit
HP Ex. 189 (202)	Curatorship: <i>Leader Federal Bank for Savings v. Pettitt</i> Case No. 455-985 (November 2, 1993)	Move to Admit
HP Ex. 189 (203)	Curatorship: <i>Standard Mortgage Corp. v. Miles</i> Case No. 456-087 (November 14, 1993)	Move to Admit
HP Ex. 189 (204)	Curatorship: <i>Security Nat'l Partners v. Klein</i> Case No. 456-393 (November 12, 1993)	Move to Admit
HP Ex. 189 (205)	Curatorship: <i>Leader Federal Bank for Savings v. Cespedes</i> Case No. 457-499 (December 10, 1993)	Move to Admit
HP Ex. 189 (206)	Curatorship: <i>First Nat'l Bank of Commerce v. Howell</i> Case No. 458-197 (December 30, 1993)	Move to Admit
HP Ex. 189 (207)	Curatorship: <i>General Motors Acceptance Corp. v. Ruiz</i> Case No. 458-399 (January 6, 1994)	Move to Admit
HP Ex. 189 (208)	Curatorship: <i>Leader Federal Bank for Savings v. Ducote</i> Case No. 459-447 (February 1, 1994)	Move to Admit
HP Ex. 189 (209)	Curatorship: <i>Crye-Leike Mortgage Co., Inc. v. Wofford</i> Case No. 459-877 (February 10, 1994)	Move to Admit
HP Ex. 189 (210)	Curatorship: <i>Hibernia Nat'l Bank v. Wiltz</i> Case No. 460-306 (February 23, 1994)	Move to Admit
HP Ex. 189 (211)	Curatorship: <i>Fleet Mortgage Corp. v. Do</i> Case No. 460-809 (March 7, 1994)	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 189 (212)	Curatorship: <i>Toyota Motor Credit Corp. v. Adams</i> Case No. 460-829 (March 8, 1994)	Move to Admit
HP Ex. 189 (213)	Curatorship: <i>Nat'l Mortgage Co. v. Dauphin</i> Case No. 460-987 (March 11, 1994)	Move to Admit
HP Ex. 189 (214)	Curatorship: <i>BancBoston Mortgage Corp. v. Rechten</i> Case No. 461-887 (March 31, 1994)	Move to Admit
HP Ex. 189 (215)	Curatorship: <i>Hibernia Nat'l Bank v. Warmington</i> Case No. 464-107 (March 26, 1994)	Move to Admit
HP Ex. 189 (216)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Dabon</i> Case No. 464-338 (June 2, 1994)	Move to Admit
HP Ex. 189 (217)	Curatorship: <i>GE Capital Asset Management Corp. v. Moses</i> Case No. 465-007 (June 17, 1994)	Move to Admit
HP Ex. 189 (218)	Curatorship: <i>In re: Interdiction of Driver</i> Case No. 465-042 (June 20, 1994)	Move to Admit
HP Ex. 189 (219)	Curatorship: <i>Fleet Mortgage Corp. v. Singleton</i> Case No. 465-086 (June 17, 1994)	Move to Admit
HP Ex. 189 (220)	Curatorship: <i>The U.S. Secretary of Veteran's Affairs v. Johns</i> Case No. 465-427 (June 28, 1994)	Move to Admit
HP Ex. 189 (221)	Curatorship: <i>United States of America v. Vincent</i> Case No. 465-445 (June 28, 1994)	Move to Admit
HP Ex. 189 (222)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Cox</i> Case No. 465-902 (July 11, 1994)	Move to Admit
HP Ex. 189 (223)	Curatorship: <i>Midfirst Bank v. Alvarez</i> Case No. 466-292 (July 18, 1994)	Move to Admit
HP Ex. 189 (224)	Curatorship: <i>Daigle v. Estate of Chauvin</i> Case No. 466-832 (August 1, 1994)	Move to Admit
HP Ex. 189 (225)	Curatorship: <i>Fed. Home Loan Mortgage Corp. v. Weiselogel</i> Case No. 467-141 (August 8, 1994)	Move to Admit
HP Ex. 189 (226)	Curatorship: <i>Nat'l Mortgage Co. v. Ferrara</i> Case No. 467-516 (August 17, 1994)	Move to Admit
HP Ex. 190	Chart of Curatorships given to Robert Creely from Judge Porteous	Move to Admit
HP Ex. 241	Task Force Deposition Exhibit 41 (Bodenheimer) Photo of Judge Porteous, Judge Bodenheimer, Louis Marcotte, and another individual standing outside Emeril's Restaurant in New Orleans	Admitted
HP Ex. 245	Task Force Deposition Exhibit 45 (Bodenheimer) Factual Basis <i>United States v. Ronald D. Bodenheimer</i> March 31, 2003	Admitted

Trial Exhibit No.	Description	Status
HP Ex. 280	Task Force Deposition Exhibit 80 (Louis Marcotte) Louis Marcotte Affidavit April 17, 2003	Admitted
HP Ex. 283	Task Force Deposition Exhibit 83 (Amato) Jacob Amato, Jr. Calendar June 1999	Move to Admit
HP Ex. 295	William E. Heitkamp Fifth Circuit Testimony October 30, 2007	Move to Admit
HP Ex. 296	Letter from S.J. Beaulieu, Jr. to Claude C. Lightfoot, enclosing correspondence from William E. Heitkamp August 4, 2003	Move to Admit
HP Ex. 298	Letter from Michael F. Adoue, staff attorney for S.J. Beaulieu, Jr., to FBI Agent Wayne Horner Re: G. Thomas Porteous, Jr., Case No. 01-12363 April 1, 2004	Move to Admit
HP Ex. 299	Letter from Noel Hillman, Chief, Public Integrity Section, Department of Justice, to S.J. Beaulieu, Jr. April 13, 2004	Move to Admit
HP Ex. 301 (a)	Porteous Grand Casino Gulfport Patron Transaction Report (02/27/2001 markers)	Move to Admit
HP Ex. 301 (b)	Porteous Bank One Statement (with copies of checks to Grand Casino) March 23, 2001 ~ April 23, 2001	Move to Admit
HP Ex. 302	Porteous Treasure Chest Customer Transaction Inquiry (03/02/2001 markers)	Move to Admit
HP Ex. 303	Porteous Beau Rivage Credit History (one-time credit limit increase on 04/06/2001)	Move to Admit
HP Ex. 304	Porteous Beau Rivage Balance Activity (04/07/2001 markers)	Move to Admit
HP Ex. 305	Porteous Treasure Chest Customer Transaction Inquiry (04/10/2001 markers)	Move to Admit
HP Ex. 306	Porteous Harrah's Patron Credit Activity (04/30/2001 markers)	Move to Admit
HP Ex. 307	Porteous Treasure Chest Customer Transaction Inquiry (05/07/2001 markers)	Move to Admit
HP Ex. 308	Porteous Treasure Chest Customer Transaction Inquiry (05/16/2001 markers)	Move to Admit
HP Ex. 309	Porteous Grand Casino Patron Transaction Report (05/26/2001 markers) and corresponding Bank One records	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 310	Porteous Treasure Chest Customer Transaction Inquiry (06/20/2001 markers)	Move to Admit
HP Ex. 311	Porteous Treasure Chest Customer Transaction Inquiry (07/19/2001 markers)	Move to Admit
HP Ex. 312	Porteous Treasure Chest Customer Transaction Inquiry (07/23/2001 markers)	Move to Admit
HP Ex. 313 (a)	Porteous Treasure Chest Customer Transaction Inquiry (08/20/2001 markers)	Move to Admit
HP Ex. 313 (b)	Porteous Treasure Chest IOU's and Hold Checks Ledger	Move to Admit
HP Ex. 314	Porteous Harrah's Patron Credit Activity (09/28/2001 markers)	Move to Admit
HP Ex. 315	Porteous Treasure Chest Customer Transaction Inquiry (10/13/2001 markers)	Move to Admit
HP Ex. 316	Porteous Treasure Chest Customer Transaction Inquiry (10/17/2001 markers)	Move to Admit
HP Ex. 317	Porteous Beau Rivage Balance Activity (10/31/2001 markers)	Move to Admit
HP Ex. 318	Porteous Treasure Chest Customer Transaction Inquiry (11/27/2001 markers)	Move to Admit
HP Ex. 319	Porteous Treasure Chest Customer Transaction Inquiry (12/11/2001 markers)	Move to Admit
HP Ex. 320	Porteous Harrah's Patron Credit Activity (12/20/2001 markers)	Move to Admit
HP Ex. 321	Porteous Grand Casino Patron Transaction Report (2/12/2002 markers)	Move to Admit
HP Ex. 322	Porteous Treasure Chest Customer Transaction Inquiry (04/01/2002 markers)	Move to Admit
HP Ex. 323	Porteous Grand Casino Patron Transaction Report (05/26/2002 markers)	Move to Admit
HP Ex. 324	Porteous Application for credit increase at Grand Casino Gulfport (from \$2,000 to \$2,500)	Move to Admit
HP Ex. 325	Porteous Grand Casino Patron Transaction Report (07/04/2002 markers) and corresponding Fidelity Money Market Account records	Move to Admit
HP Ex. 326	Central Credit, Inc. Gaming Report for Judge Porteous	Move to Admit
HP Ex. 327	FBI Chart: "G.T. Porteous: Checks Written / Cash Withdrawals Associated with Gaming."	Move to Admit
HP Ex. 328	FBI Chart: "G.T. Porteous: Gaming Expenses / Charges on Credit Card."	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 329	Fleet credit card statement with accompanying check written by Rhonda Danos, paying off balance in March 2001.	Move to Admit
HP Ex. 330	Fleet payment stub and check written by Judge Porteous September 2, 2002	Move to Admit
HP Ex. 331	Treasure Chest Casino records	Move to Admit
HP Ex. 332	Gerald Dennis Fink Fifth Circuit Testimony October 29, 2007	Move to Admit
HP Ex. 335	Judge Greendyke Fifth Circuit Testimony October 29, 2007	Move to Admit
HP Ex. 337	FBI Chart of Porteous Gaming Losses (03/28/2000 – 03/28/2001)	Admitted
HP Ex. 338	Dewayne Horner Fifth Circuit Testimony October 29, 2007	Move to Admit
HP Ex. 339	Beaulieu Letter to Lightfoot approving home refinance December 20, 2002	Admitted
HP Ex. 340	Beaulieu Letter to Lightfoot approving new car leases January 2, 2003	Admitted
HP Ex. 341 (a)	Capital One credit card application August 13, 2001	Move to Admit
HP Ex. 341 (b)	Porteous Capital One credit card statements	Move to Admit
HP Ex. 342	Lightfoot Affidavit in Support of Attorney's Fees	Move to Admit
HP Ex. 343	Lightfoot Non-Privileged Documents Produced to Grand Jury	Admitted
HP Ex. 344	2001 Instructions for Completing Bankruptcy Official Form 1, Voluntary Petition	Move to Admit
HP Ex. 345	2001 Instructions for Completing Bankruptcy Schedules	Move to Admit
HP Ex. 346	2001 Instructions for Completing Bankruptcy Statement of Financial	Move to Admit
HP Ex. 348	Gaming Charges on Porteous's Credit Cards	Move to Admit
HP Ex. 349	Porteous Monthly Variances in Take Home Pay 1998–2002	Move to Admit
HP Ex. 350 (1)	Bail Bond: William Stanford (\$19,000) 09/19/1994	Admitted
HP Ex. 350 (2)	Bail Bond: Stanley Esukpa (\$3,000) 09/01/1994	Admitted
HP Ex. 350 (3)	Bail Bond: Elijah Mitchell (\$23,500) 09/02/1994	Admitted
HP Ex. 350 (4)	Bail Bond: Joyce Barge (\$22,500) 09/02/1994	Admitted

Trial Exhibit No.	Description	Status
HP Ex. 350 (5)	Bail Bond: Leonard McNeely (\$45,000) 09/04/1994	Admitted
HP Ex. 350 (6)	Bail Bond: Eugene Sarah (\$5,750) 09/06/1994	Admitted
HP Ex. 350 (7)	Bail Bond: Shawn Suttle (\$14,000) 09/09/1994	Admitted
HP Ex. 350 (8)	Bail Bond: Johnny Pena (\$7,500) 9/07/1994	Admitted
HP Ex. 350 (9)	Bail Bond: Michael Pare (\$8,500) 09/08/1994	Admitted
HP Ex. 350 (10)	Bail Bond: Renie Hensley (\$5,000) 09/08/94	Admitted
HP Ex. 350 (11)	Bail Bond: Donald Bardell, Jr. (\$7,600) 09/10/1994	Admitted
HP Ex. 350 (12)	Bail Bond: Hussein Ahmed (\$10,500) 09/10/1994	Admitted
HP Ex. 350 (13)	Bail Bond: Craig Scott (\$5,000) 09/09/1994	Admitted
HP Ex. 350 (14)	Bail Bond: Randy Bishop (\$50,000) 09/12/1994	Admitted
HP Ex. 350 (15)	Bail Bond: Michael Addison (\$2,000) 09/11/1994	Admitted
HP Ex. 350 (16)	Bail Bond: Dorcellie Terrebonne (\$5,900) 09/13/1994	Admitted
HP Ex. 350 (17)	Bail Bond: Dianne Ellis (\$3,000) 09/12/1994	Admitted
HP Ex. 350 (18)	Bail Bond: Melvin Hokes (\$10,000) 09/13/1994	Admitted
HP Ex. 350 (19)	Bail Bond: Ronnell Smith (\$8,000) 09/15/1994	Admitted
HP Ex. 350 (20)	Bail Bond: Cornelius Jones (\$25,000) 09/15/1994	Admitted
HP Ex. 350 (21)	Bail Bond: Frank Ringo (\$40,000) 09/19/1994	Admitted
HP Ex. 350 (22)	Bail Bond: Ruplert Ortiz (\$5,000) 09/17/1994	Admitted
HP Ex. 350 (23)	Bail Bond: Burnell Lawson (\$4,000) 09/19/1994	Admitted

Trial Exhibit No.	Description	Status
HP Ex. 350 (24)	Bail Bond: Henry Williams (\$5,000) 09/17/1994	Admitted
HP Ex. 350 (25)	Bail Bond: Hung Nguyen (\$7,500) 09/19/1994	Admitted
HP Ex. 350 (26)	Bail Bond: Kenneth "Kenny" King (\$3,000) 09/19/1994	Admitted
HP Ex. 350 (27)	Bail Bond: Billy Marse (\$6,000) 09/21/1994	Admitted
HP Ex. 350 (28)	Bail Bond: Scott Blanda (\$5,000) 09/22/1994	Admitted
HP Ex. 350 (29)	Bail Bond: Kimberly Cook (\$31,275) 09/23/1994	Admitted
HP Ex. 350 (30)	Bail Bond: Adrian Martin (\$9,500) 09/23/1994	Admitted
HP Ex. 350 (31)	Bail Bond: Meisha Ursin (\$5,000) 09/24/1994	Admitted
HP Ex. 350 (32)	Bail Bond: Doreatha Taylor (\$10,000) 09/24/1994	Admitted
HP Ex. 350 (33)	Bail Bond: Daniel Stanley (\$3,150) 09/25/1994	Admitted
HP Ex. 350 (34)	Bail Bond: Guy Folse (\$7,550) 09/25/1994	Admitted
HP Ex. 350 (35)	Bail Bond: Richard Brady (\$30,000) 09/25/1994	Admitted
HP Ex. 350 (36)	Bail Bond: Rodney Robinson (\$17,500) 09/26/1994	Admitted
HP Ex. 350 (37)	Bail Bond: Charles Ainsworth (\$8,400) 09/27/1994	Admitted
HP Ex. 350 (38)	Bail Bond: Shondolyn Murray (\$23,500) 09/28/1994	Admitted
HP Ex. 350 (39)	Bail Bond: Dwayne Simms (\$8,000) 09/29/1994	Admitted
HP Ex. 350 (40)	Bail Bond: Lenard Robinson (\$3,000) 10/04/1994	Admitted
HP Ex. 350 (41)	Bail Bond: Steven Owens (\$3,000) 10/13/1994	Admitted
HP Ex. 350 (42)	Bail Bond: Damion Smith (\$25,000) 10/04/1994	Admitted

Trial Exhibit No.	Description	Status
HP Ex. 350 (43)	Bail Bond: Rodrick Miller (\$1,500) 10/10/1994	Admitted
HP Ex. 350 (44)	Bail Bond: Harold Taylor (\$5,000) 10/10/1994	Admitted
HP Ex. 350 (45)	Bail Bond: Nathaniel Richardson (\$5,000) 10/10/1994	Admitted
HP Ex. 350 (46)	Bail Bond: Donald Bulen (\$22,000) 10/11/1994	Admitted
HP Ex. 350 (47)	Bail Bond: John Wells, Jr. (\$160,000) 10/11/1994	Admitted
HP Ex. 350 (48)	Bail Bond: Leonard Bradley (\$18,000) 10/11/1994	Admitted
HP Ex. 350 (49)	Bail Bond: Donald Washington (\$23,500) 10/11/1994	Admitted
HP Ex. 350 (50)	Bail Bond: Thi Ngo (\$15,000) 10/12/1994	Admitted
HP Ex. 350 (51)	Bail Bond: Louis Wells (\$160,000) 10/12/1994	Admitted
HP Ex. 350 (52)	Bail Bond: Scott Ebright (\$16,250) 10/13/1994	Admitted
HP Ex. 350 (53)	Bail Bond: Eris Burton (\$6,250) 10/19/1994	Admitted
HP Ex. 350 (54)	Bail Bond: Trellis Compton (\$2,000) 10/23/1994	Admitted
HP Ex. 350 (55)	Bail Bond: William Thorton (\$20,500) 10/26/1994	Admitted
HP Ex. 350 (56)	Bail Bond: Craig Massey (\$25,000) 10/27/1994	Admitted
HP Ex. 351 (1)	Bail Bond: Rodney Robinson (\$17,500) 09/26/1994	Admitted
HP Ex. 351 (2)	Bail Bond: Damion Smith (\$25,000) 10/4/1994	Admitted
HP Ex. 351 (3)	Bail Bond: Steven Owens (\$3,000) 10/13/1994	Admitted
HP Ex. 351 (4)	Bail Bond: Rodrick Miller (\$15,000) 10/10/1994	Admitted
HP Ex. 351 (5)	Bail Bond: George Robinson (\$5,000) 10/1994	Admitted

Trial Exhibit No.	Description	Status
HP Ex. 351 (6)	Bail Bond: Harold Taylor (\$5,000) 10/10/1994	Admitted
HP Ex. 351 (7)	Bail Bond: Nathaniel Richardson (\$5,000) 10/10/1994	Admitted
HP Ex. 351 (8)	Bail Bond: John Wells, Jr. (\$160,000) 10/11/1994	Admitted
HP Ex. 351 (9)	Bail Bond: Donald Washington (\$23,500) 10/11/1994	Admitted
HP Ex. 351 (10)	Bail Bond: Leonard Bradley (\$18,000) 10/11/1994	Admitted
HP Ex. 351 (11)	Bail Bond: Donald Bulen (\$22,200) 10/11/1994	Admitted
HP Ex. 351 (12)	Bail Bond: Louis Wells (\$160,000) 10/12/1994	Admitted
HP Ex. 351 (13)	Bail Bond: Stephen Simmons (\$1,500) 10/12/1994	Admitted
HP Ex. 351 (14)	Bail Bond: Thi Ngo (\$15,000) 10/12/1994	Admitted
HP Ex. 351 (15)	Bail Bond: Travis Boothe (\$45,000) 10/12/1994	Admitted
HP Ex. 351 (16)	Bail Bond: Timothy Anweiler (\$55,100) 10/12/1994	Admitted
HP Ex. 351 (17)	Bail Bond: Thanh Nguyen (\$17,500) 10/13/1994	Admitted
HP Ex. 351 (18)	Bail Bond: Angelo Silvestri (\$2,500) 10/13/1994	Admitted
HP Ex. 351 (19)	Bail Bond: Barry Fank (\$6,000) 10/13/1994	Admitted
HP Ex. 351 (20)	Bail Bond: Jack Nguyen (\$90,000) 10/19/1994	Admitted
HP Ex. 351 (21)	Bail Bond: Calvin Davis (\$1,500) 10/18/1994	Admitted
HP Ex. 351 (22)	Bail Bond: Eddress Lone (\$5,000) 10/18/1994	Admitted
HP Ex. 351 (23)	Bail Bond: Eris Burton (\$6,250) 10/19/1994	Admitted
HP Ex. 351 (24)	Bail Bond: Joe Thompson, Jr. (\$25,000) 10/19/1994	Admitted

Trial Exhibit No.	Description	Status
HP Ex. 351 (25)	Bail Bond: David Hepting (\$25,000) 10/19/1994	Admitted
HP Ex. 351 (26)	Bail Bond: Wayne Taylor (\$25,000) 09/26/1994	Admitted
HP Ex. 370 (a)	1999 PBUS Beau Rivage Convention Records related to Judge Porteous	Move to Admit
HP Ex. 370 (b)	1999 PBUS Beau Rivage Convention Records related to Rhonda Danos	Move to Admit
HP Ex. 371	Records related to 1996 and 1998 Marcotte-Danos Las Vegas Trips	Move to Admit
HP Ex. 372 (a)	Beef Connection Bill and Lori Marcotte Credit Card Record August 6, 1997	Move to Admit
HP Ex. 372 (b)	Beef Connection Bill and Lori Marcotte Credit Card Record August 25, 1997	Admitted
HP Ex. 372 (c)	Beef Connection Bill and Lori Marcotte Credit Card Record November 19, 1997	Move to Admit
HP Ex. 372 (d)	Beef Connection Bill and Lori Marcotte Credit Card Record August 5, 1998	Admitted
HP Ex. 372 (e)	Beef Connection Bill and Lori Marcotte Credit Card Record October 19, 1998	Move to Admit
HP Ex. 373 (a)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record April 23, 1999	Admitted
HP Ex. 373 (b)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record November 15, 1999	Move to Admit
HP Ex. 373 (c)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record February 1, 2000	Move to Admit
HP Ex. 373 (d)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record November 7, 2000	Move to Admit
HP Ex. 375	Emeril's receipt paid for by the Marcottes March 11, 2002	Admitted
HP Ex. 376	Porteous Credit Card Statements May 1999	Move to Admit
HP Ex. 377	Caesar's Palace Records (Creely's credit card charges for Porteous's Room)	Move to Admit
HP Ex. 378	Creely's Credit Card Charges May 1999	Move to Admit
HP Ex. 381	Porteous Fidelity Records re: IRA	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 382	Records related to \$1,000 Beau Rivage Payment	Move to Admit
HP Ex. 383	Additional Porteous IRA Records	Move to Admit
HP Ex. 437	Letter from Chairman Patrick Leahy and Ranking Member Jeff Sessions, of the Senate Judiciary Committee, to Chairman McCaskill and Vice Chairman Hatch, of the Senate Impeachment Trial Committee Re: the Senate Judiciary Committee's archived files on the 1994 nomination of Judge G. Thomas Porteous, Jr. July 27, 2010	Move to Admit
HP Ex. 438	Letter from Staff Director Derron R. Parks, of the Senate Impeachment Trial Committee, to Jonathan Turley, Esq. and Alan I. Baron, Esq. Re: providing counsel with the entire Senate Judiciary Committee file of Judge Porteous July 30, 2010	Move to Admit
HP Ex. 439 (a)	Senate Judiciary File: Letter from William E. Willis, Chair of the American Bar Association Standing Committee on Federal Judiciary, to Senator Biden Re: Judge Porteous's qualifications for appointment to the federal bench August 30, 1994	Move to Admit
HP Ex. 439 (b)	Senate Judiciary File: Judge G. Thomas Porteous, Jr. – Biography Senate Nominations Hearing October 6, 1994	Move to Admit
HP Ex. 439 (c)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Blue Slips from Senator Breaux and Senator Johnston	Move to Admit
HP Ex. 439 (d)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Dates of Materials Received Re: Senate Confirmation	Move to Admit
HP Ex. 439 (e)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Nomination Hearing Transcript October 6, 1994	Move to Admit
HP Ex. 439 (f)	Senate Judiciary File: White House Nomination of Judge G. Thomas Porteous Jr. to be a United States District Judge for the Eastern District of Louisiana August 25, 1994	Move to Admit
HP Ex. 439 (g)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Public) September 6, 1994	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 439 (h)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Committee Confidential) and Financial Disclosure Form September 6, 1994	Move to Admit
HP Ex. 439 (i)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court cases	Move to Admit
HP Ex. 439 (j)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court opinions	Move to Admit
HP Ex. 439 (k)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – reversals of state court opinions	Move to Admit
HP Ex. 439 (l)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – additional decisions requested	Move to Admit
HP Ex. 439 (m)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – news articles	Move to Admit
HP Ex. 439 (n)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 15, 1994	Move to Admit
HP Ex. 439 (o)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 29, 1994	Move to Admit
HP Ex. 439 (p)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. Staff Memorandum (Committee Confidential) 1994	Move to Admit
HP Ex. 439 (q)	Senate Judiciary File: confidential notes taken from FBI file of G. Thomas Porteous, Jr.	Move to Admit
HP Ex. 440	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part I)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives November 17–18, 2009	Move to Admit
HP Ex. 441	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part II)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 8, 2009	Move to Admit

Trial Exhibit No.	Description	Status
HP Ex. 442	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part III)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 10, 2009	Move to Admit
HP Ex. 443	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part IV)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 15, 2009	Move to Admit
HP Ex. 445	Senate Impeachment Trial Committee Deposition of Robert Creely August 2, 2010	Move to Admit
HP Ex. 446	Senate Impeachment Trial Committee Deposition of Jacob Amato, Jr. August 2, 2010	Admitted
HP Ex. 447	Senate Impeachment Trial Committee Deposition of Louis Marcotte August 2, 2010	Admitted
HP Ex. 448	Senate Impeachment Trial Committee Deposition of Lori Marcotte August 2, 2010	Admitted
HP Ex. 449	<u>To Consider Articles of Impeachment Against U.S. District Judge G. Thomas Porteous</u> <u>Stenographic Minutes</u> of the House of Representatives, Committee on the Judiciary, Task Force on Judicial Impeachment January 21, 2010	Move to Admit
HP Ex. 450	Fifth Circuit correspondence with Judge Porteous	Move to Admit
HP Ex. 451	Porteous Bank One Records Aug. – Sept. 2001; Aug. –Sept. 2002; Aug. – Sept. 2003	Move to Admit
HP Ex. 452 (a)	Porteous Bank One Records May – July 2002	Move to Admit
HP Ex. 452 (b)	Porteous Fidelity Records May – July 2002	Move to Admit
HP Ex. 453	Porteous Fidelity Records July – August 2002 (\$1,300 check to Grand Casino Gulfport)	Move to Admit
HP Ex. 500	House Demonstrative – Chart 1: Fleet	Move to Admit (Demonstrative Only)
HP Ex. 501	House Demonstrative – Chart 2: Treasure Chest	Move to Admit (Demonstrative Only)
HP Ex. 502	House Demonstrative – Chart 3: Tax Return	Move to Admit (Demonstrative Only)

Trial Exhibit No.	Description	Status
HP Ex. 503	House Demonstrative -- Chart 4: Fidelity	Move to Admit (Demonstrative Only)
HP Ex. 504	House Demonstrative -- Chart 5: Undisclosed \$2,000 in Bank One	Move to Admit (Demonstrative Only)
HP Ex. 505	House Demonstrative -- Chart 6: Undisclosed Grand Casino Markers	Move to Admit (Demonstrative Only)
HP Ex. 506	House Demonstrative -- Chart 7: "Ortous"	Move to Admit (Demonstrative Only)
HP Ex. 507	House Demonstrative -- Chart 8: Gambling Losses / Statement Financial Affairs (Question 8)	Move to Admit (Demonstrative Only)
HP Ex. 508	House Demonstrative -- Chart 9: Violations of Order (Capitol One)	Move to Admit (Demonstrative Only)
HP Ex. 509	House Demonstrative -- Chart 10: Events Subsequent to April 2001 (related to bankruptcy)	Move to Admit (Demonstrative Only)
HP Ex. 510	House Demonstrative -- Chart 11: Danos Payment to Beau Rivage	Move to Admit (Demonstrative Only)
HP Ex. 511	House Demonstrative -- Chart 12: Gambling Debts (Fall 2001)	Move to Admit (Demonstrative Only)
HP Ex. 512	House Demonstrative -- Chart 13: May -- July 2002	Move to Admit (Demonstrative Only)
HP Ex. 513	House Demonstrative -- Chart 14: Payments to Fleet	Move to Admit (Demonstrative Only)
HP Ex. 514	House Demonstrative -- Chart 15: Bankruptcy Timeline	Move to Admit (Demonstrative Only)
HP Ex. 515	House Demonstrative -- Chart 16: Use of Fidelity pre-bankruptcy	Move to Admit (Demonstrative Only)
HP Ex. 516	House Demonstrative -- Chart 17: Bankruptcy Schedules / Statement Financial Affairs	Move to Admit (Demonstrative Only)
HP Ex. 517	House Demonstrative -- Chart 18: Use of Undisclosed Fidelity (cash horde)	Move to Admit (Demonstrative Only)
HP Ex. 518	House Demonstrative -- Chart 19: Post-Bankruptcy Fidelity Checks to Casinos	Move to Admit (Demonstrative Only)
HP Ex. 518	House Demonstrative -- Chart 20: Wallace (Intro)	Move to Admit (Demonstrative Only)
HP Ex. 519	House Demonstrative -- Chart 21: Wallace Slide 2	Move to Admit (Demonstrative Only)
HP Ex. 520	House Demonstrative -- Chart 22: Wallace Slide 3	Move to Admit (Demonstrative Only)

Trial Exhibit No.	Description	Status
HP Ex. 521	House Demonstrative – Chart 23: Wallace Slide 4	Move to Admit (Demonstrative Only)
HP Ex. 522	House Demonstrative – Chart 24: Wallace Slide 5	Move to Admit (Demonstrative Only)
HP Ex. 523	House Demonstrative – Chart 30: 1996 Porteous Financial Disclosure Form	Move to Admit (Demonstrative Only)
HP Ex. 524	House Demonstrative – Chart 31: 1997 Porteous Financial Disclosure Form	Move to Admit (Demonstrative Only)
HP Ex. 525	House Demonstrative – Chart 32: 1998 Porteous Financial Disclosure Form	Move to Admit (Demonstrative Only)
HP Ex. 526	House Demonstrative – Chart 33: 1999 Porteous Financial Disclosure Form	Move to Admit (Demonstrative Only)
HP Ex. 527	House Demonstrative – Chart 34: Instructions to Financial Disclosure Forms	Move to Admit (Demonstrative Only)
HP Ex. 528	Pre-Bankruptcy Fidelity Checks to Casinos	Move to Admit
HP Ex. 529	Post-Bankruptcy Fidelity Checks to Casinos	Move to Admit



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September 23, 2010

VIA E-MAIL

House Impeachment Counsel
 c/o Alan I. Baron, Esq.
 Special Impeachment Counsel
 United States House of Representatives
 The Ford House Office Building
 Room H2-365
 Washington, D.C. 20515

Re: In re Porteous – House Request to Admit Additional Materials

House Impeachment Counsel:

We write in response to the House of Representative's September 21, 2010 request (modified on September 22, 2010, and September 23, 2010) to admit various exhibits into the record of the Senate Impeachment Trial Committee (the "Committee"). In that request, the House has sought to introduce more than 450 additional exhibits into the trial record. Judge Porteous does not object to the great majority of the House's admission requests.

Judge Porteous does object, however, to the admission of a number of the House exhibits. These exhibits are misleading, contradicted by testimony, prejudicial, and/or simply irrelevant to the issues before the Senate. As such, had the House attempted to introduce these exhibits at the time of the trial, the Defense would have objected strenuously. Moreover, seeking to introduce these exhibits now deprives the Defense of the ability to rebut or cross-examine witnesses about them. It obviously contradicts the purpose of the evidentiary hearing for the House to drop or decline to call witnesses to testify and then attempt to introduce one-sided accounts of certain underlying facts. This late attempt to introduce voluminous exhibits – after the trial is completed – is a gross breach of Judge Porteous's due process rights.

The following are the House exhibits to which Judge Porteous objects, including an explanation of those objections:

- Fifth Circuit Testimony (other than that of Judge Porteous, which the Committee has already ruled upon)

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- House Exhibits 12 & 13 (Creely)
- House Exhibits 20 & 21(a) (Amato)
- House Exhibits 32 & 34 (Gardner)
- House Exhibits 43 & 44 (Danos)
- House Exhibit 65 (Mole)
- House Exhibit 124 (Lightfoot)
- House Exhibit 295 (Heitkamp)
- House Exhibit 332 (Fink)
- House Exhibit 335 (Greendyke)
- House Exhibit 338 (Horner)
 - These exhibits contain the testimony of individuals who testified before the Senate Committee or whom the parties chose not to call as witnesses before the Committee. As such, their prior testimony is either redundant of testimony already elicited before the Committee, and subject cross examination by counsel and questioning by the Senators, or was considered to be so superfluous that its repetition before the Senate Committee was not required. While Judge Porteous had an opportunity to cross examine witnesses in the Fifth Circuit proceeding, he did so without the assistance of counsel and without the full knowledge of the evidence that his defense team had developed for the Senate trial. To admit this prior testimony now would deprive Judge Porteous of the opportunity to cross examine adequately the testimony before the Senate Committee, in light of the other evidence submitted to the Committee, and would constitute a severe deprivation of due and fair process.
- House Testimony
 - House Exhibits 440, 441, 442, & 443
 - These documents contain the prior testimony of witnesses who appeared before the House Impeachment Committee and either testified before the Senate Committee or were not called to give such testimony because neither party felt that the testimony was necessary (e.g., Plattsmier). As such, the

testimony is either superfluous or unnecessary and, in any case, would be unfair to include without providing Judge Porteous with a full and fair opportunity for cross-examination before the Senate Committee. (Judge Porteous recognizes that his counsel at the time had an opportunity to cross examine witnesses during the House Impeachment proceedings, but the House Managers took the position that those proceedings were akin to a Grand Jury proceeding and Judge Porteous's opportunity for cross-examination was severely restricted.) Other testimony went to the ultimate issue of whether the conduct alleged constitutes an impeachable offense (e.g., Amar and Gerhardt), which the House Managers have agreed is inappropriate material for submission to the Senate Committee. It would violate basic concepts of fairness and due process to import this bulk prior testimony into the Senate Committee record.

- Financial Disclosure Reports and Instructions
 - House Exhibits 100(a), 100(b), 101(a), 101(b), 102(a), 102(b), 103(a), 103(b), 104(a), 104(b), 105(a), 105(b), 106(a), 106(b), 107(a), 107(b), 108(a), 108(b), 109(a), 109(b), 110(a), 110(b), 111(a), 111(b), 112(a), 112(b), 113, & 114
 - Since the Articles of Impeachment prepared and approved by the House of Representatives against Judge Porteous do not allege misconduct in connection with financial disclosure statements and do not assert any such misconduct as a basis for impeachment, these documents are irrelevant, their inclusion is prejudicial, and they should be excluded.
- Demonstratives
 - House Exhibits 190, ("Chart of Curatorships"), 327 ("FBI Chart"), 328 ("FBI Chart"), 348 (chart of credit card information), 349 (chart of payroll information), 500-28, & 532
 - These documents were created by House Impeachment Counsel, the House managers, and/or the FBI in connection with this matter and, therefore, are not evidence and should not be admitted into the record.
- Other Miscellaneous Irrelevant Materials
 - House Exhibits 21(b) & 283 (Jacob Amato Calendars)
 - During his testimony during before the Committee, Mr. Amato questioned the legitimacy and accuracy of these documents. Accordingly, unless and until this discrepancy is resolved, Judge Porteous objects to admission of this material.

Had the House chosen to introduce these documents at the time of Mr. Amato's testimony, the Defense would have objected to them as unreliable and lacking necessary foundation.

- House Exhibit 21(c) (Jacob Amato Credit Card Records) & 35(a) (Don Gardner records regarding trips to Washington)
 - These documents are not relevant to any witness testimony elicited before the Senate Committee. Had the House sought to introduce these documents at the time of Mr. Amato's or Mr. Gardner's testimony, the Defense would have had an opportunity to cross examine the witnesses regarding them. Seeking to introduce them now deprives the Defense of that basic due process right.
- House Exhibit 69(b)
 - This exhibit should not be admitted in its entirety, as it contains numerous irrelevant and/or unreliable documents, including FBI 302 reports, which the Committee has already characterized as inherently unreliable and generally excluded from the record. This document also contains unsubstantiated and, in some cases, discredited rumors, gossip, and innuendo, which has no place in the Committee record. Judge Porteous does not, however, object to the admission of a redacted version of House Exhibit 69(b), from which irrelevant and discredited portions have been removed. Judge Porteous is in the process of preparing a redacted version of House Exhibit 69(b), which will be provided to the House for its review shortly.
- House Exhibit 69(d) at PORT672-77
 - Judge Porteous objects to the introduction of this document unless the House demonstrates that the Louisiana code sections contained within the selected pages of House Exhibit 69(d) are the versions of those code sections that were in effect in 1994. If the House can make that showing, then Judge Porteous will not object to the inclusion of the selected pages in the Committee record.
- House Exhibits 88(a), 88(b), 88(c), & 88(i)
 - Given that the Committee has already accepted House Exhibit 88(d) into the record, these additional documents are unnecessary, duplicative, and irrelevant.
- House Exhibits 91(a) & 91(b)
 - These documents relate to two non-competition lawsuits between Bail Bonds Unlimited, Inc. and (1) Matthew Dennis, Robert Dennis, and Dearn Rudisaile,

and (2) Bobb Gene Hollingsworth, both of which are irrelevant to these proceedings and were not substantively discussed during the Committee's evidentiary hearing. Introduction of these documents now, when their substance cannot be subject to explanation or cross examination, would be unfairly and unnecessarily prejudicial and a clear deprivation of due process rights.

- House Exhibits 93(a), 93(b), 94(a), 94(b), & 94(c)
 - These documents relate to criminal proceedings brought against Alan Green and Norman Bowley, neither of whom testified before the Committee or were offered or relied upon as witnesses in this proceeding. These documents are thus irrelevant and unnecessary and introduction of these documents would be prejudicial unless produced subject to explanation and cross examination.
- House Exhibits 167, 168, 169, 170, & 171
 - For the same reason that the House exhibits related to financial disclosure forms should be excluded (see above), these documents should not be admitted into the Committee record. They have no relevance to the charges stated in the Articles of Impeachment and their introduction now would be prejudicial.
- House Exhibits 301(a), 301(b), 302-12, 313(a), 313(b), 314-26, 329-331, 341(a), 341(b), 370(a), 370(b), 371, 382, 451, 452(a), 452(b), 453, & 529-30
 - The admission of these documents would be prejudicial to Judge Porteous. The House has failed to establish any foundation for, elicit testimony about, and move the underlying documents into the record at a time when Judge Porteous would have had an opportunity to explain, rebut, or cross examine the testimony and the documents.
- House Exhibits 372(e), 373(a), & 373(b)
 - Judge Porteous objects to the admission of these documents because there is no documentary or testimonial evidence linking Judge Porteous to the lunches referenced within these documents. These documents are irrelevant, unreliable, and prejudicial.
- House Exhibit 376, 377, & 378
 - Judge Porteous objects to the admission of these documents because they are unreliable (according to Mr. Creely) and the House failed to establish any

foundation for this material. These documents could have been introduced during Mr. Creely's testimony, which would have given Judge Porteous the opportunity to examine the witness about them and to determine their validity, or lack thereof. To seek to introduce these documents now deprives Judge Porteous of fundamental due and fair process.

- House Exhibit 381 & 383
 - Judge Porteous objects to the admission of these documents on the basis that the House failed to establish any foundation for this material or any basis for its inclusion in the Committee record.
- House Exhibit 437 & 438
 - Judge Porteous objects to inclusion of these documents in the Senate Committee record because they are not evidence and are irrelevant to these proceedings. The referenced documents merely constitute correspondence concerning the production of documents.
- House Exhibit 439(q)
 - Judge Porteous objects to the admission of this document to the extent that it includes unsubstantiated and, in some cases, discredited rumors, gossip, and innuendo, which has no place in the Committee record. Judge Porteous believes the parties can agree upon partial redactions of this document that remove irrelevant allegations relating to third parties.
- House Exhibit 449
 - This document is irrelevant to the Senate proceedings.
- House Exhibit 450
 - This material is irrelevant to the Senate proceedings and lacks any foundation for admission into the Committee record.
- House Exhibit 531
 - This document was used by the House solely for impeachment purposes. Moreover, Professor Mackenzie specifically testified that the selected excerpts used during cross-examination (*i.e.*, chapter 7) were not written by him and instead were written by Professor Terry Sullivan and do not necessarily represent Professor Mackenzie's views.

House Impeachment Counsel
September 23, 2010
Page 7

Bryan Cave LLP

Finally, Judge Porteous requests that the House agree to admit into the Committee record the following three additional documents:

- Porteous Exhibit 1007 (List of 24th JDC Judges, provided by the 24th JDC Clerk)
- Porteous Exhibit 1104 (*Good Faith: A Roundtable Discussion*, 1 Am. Bankr. Inst. L. Rev. 11 (1993))
- Porteous Exhibit 2007 (Guidry 302; copy attached)

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel C. Schwartz", followed by a large, stylized star-like flourish.

Daniel C. Schwartz

Attachment

cc: Mark Dubester, Esq., House Impeachment Counsel
Harry Damelin, Esq., House Impeachment Counsel
Kirsten Konar, Esq., House Impeachment Counsel

In The Senate of the United States
Sitting as a Court of Impeachment

In re:
Impeachment of G. Thomas Porteous, Jr.,
United States District Judge for the
Eastern District of Louisiana

The House of Representatives' and Judge Porteous's Trial Exhibits
To Be Admitted Into Evidence (Agreed)

Trial Exhibit No.	Description	Status
HP Ex. 1	House Resolution 15: Authorizing Committee on the Judiciary to Inquire whether the House Should Impeach Judge Porteous January 13, 2009	Move to Admit (AGREED)
HP Ex. 2	Committee on the Judiciary Resolution Establishing Task Force January 22, 2009	Move to Admit (AGREED)
HP Ex. 3	Committee on the Judiciary Resolution Amending the January 22, 2009 Resolution May 12, 2009	Move to Admit (AGREED)
HP Ex. 6 (a)	<u>Memorandum Order and Certification</u> Judicial Council of the Fifth Circuit Docket No. 07-05-351-0083 December 20, 2007	Move to Admit (AGREED)
HP Ex. 6(c)	Judge G. Thomas Porteous, Jr.'s Reply Memorandum to the Special Investigatory Committee Report <u>In The Matter of G. Thomas Porteous, Jr.</u> December 5, 2007	Move to Admit (AGREED)
HP Ex. 7 (a)	Letter from James C. Duff, Secretary to the Judicial Conference of the United States to the Speaker of the House of Representatives June 18, 2008	Move to Admit (AGREED)
HP Ex. 7 (b)	Certificate to the Speaker of the United States House of Representatives June 17, 2009	Move to Admit (AGREED)
HP Ex. 7 (c)	Report and Recommendations of the Judicial Conference Committee on Judicial Conduct and Disability June 2008	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 8	<u>Order and Public Reprimand</u> by the Judicial Counsel of the Fifth Circuit (suspending Judge G. Thomas Porteous from the bench for two years) September 10, 2008	Move to Admit (AGREED)
HP Ex. 9 (a)	President Clinton's Nomination of Judge Porteous August 25, 1994	Move to Admit (AGREED)
HP Ex. 9 (b)	Excerpts from Senate Confirmation Hearings for Judge Porteous October 6, 1994	Move to Admit (AGREED)
HP Ex. 9 (c)	Congressional Record Reflecting Senate Confirmation of Judge Porteous October 7, 1994	Move to Admit (AGREED)
HP Ex. 9 (d)	Judge Porteous Appointment Affidavit October 28, 1994	Move to Admit (AGREED)
HP Ex. 9 (e)	Judge Porteous Resignation Letter to the 24 th Judicial District Court October 25, 1994	Move to Admit (AGREED)
HP Ex. 9 (f)	Certified Copy of Judge Porteous's Questionnaire for Judicial Nominees (received from the Senate Committee on the Judiciary)	Move to Admit (AGREED)
HP Ex. 10	Judge Porteous Fifth Circuit Testimony October 29, 2007	Move to Admit (AGREED)
HP Ex. 17	<u>Application for Compulsion Order</u> (for Judge Porteous) and <u>Immunity Order</u> signed by Chief Judge Edith H. Jones October 5, 2007	Move to Admit (AGREED)
HP Ex. 48	FBI Surveillance Video March 11, 2002	Move to Admit (AGREED)
HP Ex. 50	PACER Docket Report: <i>In re: Liljeberg Enters. Inc., et al.</i> Case No.: 2:93-cv-01794-GTP	Move to Admit (AGREED)
HP Ex. 51 (a)	<u>Ex Parte Motion of Liljeberg Enterprises, Inc. to Substitute Counsel</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP September 19, 1996	Move to Admit (AGREED)
HP Ex. 51 (b)	<u>Order</u> (Granting Motion to Substitute Counsel) <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP September 23, 1996	Move to Admit (AGREED)
HP Ex. 52	<u>Motion to Recuse</u> (by Lifemark) and <u>Memorandum in Support of Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 1, 1996	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 53	<u>Memorandum in Opposition to Lifemark's Motion to Recuse Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</u> Case No.: 2:93-cv-01794-GTP October 9, 1996	Move to Admit (AGREED)
HP Ex. 54	<u>Motion for Leave to File Lifemark's Reply Memorandum to Liljeberg Enterprises Inc.'s Opposition to Motion to Recuse and Lifemark's Reply Memorandum to Liljeberg Enterprises, Inc.'s Opposition to Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 11, 1996	Move to Admit (AGREED)
HP Ex. 55	<u>Motion for Leave of Court to File Response to Lifemark's Reply Memorandum on Motion to Recuse and Memorandum in Support of Motion for Leave;</u> <u>Order; and</u> <u>Memorandum of Liljeberg Enterprises, Inc. and St. Jude Hospital of Kenner La., Inc. in Opposition to Reply Memorandum of Lifemark on Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 15, 1996	Move to Admit (AGREED)
HP Ex. 57	<u>Judgment (Denying Lifemark's Motion to Recuse)</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 17, 1996	Move to Admit (AGREED)
HP Ex. 58	<u>Lifemark's Petition for Writ of Mandamus to Fifth Circuit Court of Appeals</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> October 24, 1996	Move to Admit (AGREED)
HP Ex. 59	<u>Order (Denying Petition for Writ of Mandamus)</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No. 96-31098 (Fifth Circuit Court of Appeals) October 28, 1996	Move to Admit (AGREED)
HP Ex. 60 (a)	<u>Ex Parte Motion of Lifemark to Enroll Additional Counsel of Record (Don Gardner)</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP March 11, 1997	Move to Admit (AGREED)
HP Ex. 60 (b)	<u>Order (Granting Lifemark's Motion to Enroll Don Gardner as Counsel)</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP March 12, 1997	Move to Admit (AGREED)
HP Ex. 61	<u>Trial Transcript Excerpts</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP July 17, 1997 and July 21, 1997	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 62	Opinion <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP April 25, 2000	Move to Admit (AGREED)
HP Ex. 67	Cover Emails and Clinton Presidential Records re: Judge Porteous	Move to Admit (AGREED)
HP Ex. 69 (a)	Department of Justice Document Production One (excerpts) June 18, 2009	Move to Admit (AGREED)
HP Ex. 69 (d) PORT610 – 629	Wallace Hearing Transcripts	Move to Admit (AGREED)
HP Ex. 69 (j)	Judge Porteous FBI Interview Transcription Date: August 18, 1994 (Un-redacted version of document admitted in 69(b))	Move to Admit (AGREED)
HP Ex. 69 (k)	Judge Porteous FBI Interview Transcription Date: August 18, 1994 (Un-redacted version of document admitted in 69(b))	Move to Admit (AGREED)
HP Ex. 70	PACER Docket Report: <i>United States v. Louis Marcotte and Lori Marcotte</i> Criminal No. 04:CR-00061-GPK	Move to Admit (AGREED)
HP Ex. 71 (b)	<u>Plea Agreement</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 February 20, 2004	Move to Admit (AGREED)
HP Ex. 71 (c)	<u>Plea Agreement Addendum</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit (AGREED)
HP Ex. 71 (d)	<u>Factual Basis</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit (AGREED)
HP Ex. 71 (f)	<u>Unsealed Pleadings</u> <i>United States v. Louis M. Marcotte III & Lori Marcotte</i> Criminal Docket No. 4-061	Move to Admit (AGREED)
HP Ex. 73 (a)	<u>Plea Agreement</u> <i>United States v. Lori Marcotte</i> Criminal Docket No.: 4-061 February 20, 2004	Move to Admit (AGREED)
HP Ex. 73 (b)	<u>Addendum to Plea Agreement</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 73 (c)	<u>Factual Basis</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit (AGREED)
HP Ex. 73 (d)	<u>Judgment</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 August 28, 2006	Move to Admit (AGREED)
HP Ex. 88 (e)	<u>Plea Agreement</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 28, 2003	Move to Admit (AGREED)
HP Ex. 88 (f)	<u>Factual Basis</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 28, 2003	Move to Admit (AGREED)
HP Ex. 88 (g)	<u>Supplement to Factual Basis</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 31, 2003	Move to Admit (AGREED)
HP Ex. 88 (h)	<u>Judgment and Probation/Commitment Order</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 April 28, 2004	Move to Admit (AGREED)
HP Ex. 90 (a)	Professional Bail Agents of the United States Midyear Conference Program Royal Sonesta Hotel, New Orleans, LA July 11–13, 1996	Move to Admit (AGREED)
HP Ex. 90 (b)	Professional Bail Agents of the United States Midyear Conference Program Beau Rivage Hotel, Biloxi, MS July 17–21, 1999	Move to Admit (AGREED)
HP Ex. 122(b)	Lightfoot Crime Fraud Ruling October 19, 2004	Move to Admit (AGREED)
HP Ex. 129	Trustee's Memo to Record re: Meeting of Creditors <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	Move to Admit (AGREED)
HP Ex. 130	Meeting of Creditors Hearing Transcript <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 131	Amended Schedule F and Modified Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	Move to Admit (AGREED)
HP Ex. 132	Amended Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	Move to Admit (AGREED)
HP Ex. 134	Trustee's Notice of Intention to Pay Claims <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) Oct. 4, 2001	Move to Admit (AGREED)
HP Ex. 135	Trustee's Ex Parte Motion to Amend the Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.)	Move to Admit (AGREED)
HP Ex. 136	Trustee's Final Report <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 2004	Move to Admit (AGREED)
HP Ex. 137	Discharge of Debtor After Completion of Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004	Move to Admit (AGREED)
HP Ex. 138 (a)	Lightfoot Handwritten Notes	Move to Admit (AGREED)
HP Ex. 138 (b)	Bankruptcy Worksheets	Move to Admit (AGREED)
HP Ex. 139	Cover Letter and Remainder of Lightfoot File	Move to Admit (AGREED)
HP Ex. 140	Fleet Credit Card Statements (***0658) February 13, 2001 – September 15, 2001	Move to Admit (AGREED)
HP Ex. 143	Fidelity Money Market Statement of Transaction Items (showing balance of over \$623.91 on March 22, 2001)	Move to Admit (AGREED)
HP Ex. 144	Porteous Bank One Records January 25, 2001 – April 23, 2001	Move to Admit (AGREED)
HP Ex. 146	Lightfoot Letter re: Workout Proposal / Excluding Regions December 21, 2000	Move to Admit (AGREED)
HP Ex. 149	Harrah's Casino Credit Application April 30, 2001	Move to Admit (AGREED)
HP Ex. 188	Letter from Jon A. Gegenheimer, Clerk of Court, Jefferson Parish, Louisiana, to Special Agent Wayne Horner Re: Curator Fees July 22, 2010	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (1)	Curatorship: <i>Arseneaux v. Johnson</i> Case No. 363-652 (May 26, 1988)	Move to Admit (AGREED)
HP Ex. 189 (2)	Curatorship: <i>Citicorp v. Wolf</i> Case No. 365-064 (June 23, 1988)	Move to Admit (AGREED)
HP Ex. 189 (3)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Hood</i> Case No. 367-074 (August 3, 1988)	Move to Admit (AGREED)
HP Ex. 189 (5)	Curatorship: <i>Standard Mortgage Corp. v. Alonte and Pfeiffer</i> Case No. 367-321 (August 8, 1988) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (6)	Curatorship: <i>Victor Federal Savings & Loan Ass'n v. Bushell</i> Case No. 367-901 (August 17, 1988)	Move to Admit (AGREED)
HP Ex. 189 (8)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Ray</i> Case No. 368-819 (September 6, 1988)	Move to Admit (AGREED)
HP Ex. 189 (10)	Curatorship: <i>United Federal Savings & Loan Ass'n v. Muse</i> Case No. 369-269 (September 14, 1988)	Move to Admit (AGREED)
HP Ex. 189 (11)	Curatorship: <i>Foster Mortgage Corp. v. Alexander</i> Case No. 369-956 (September 28, 1988)	Move to Admit (AGREED)
HP Ex. 189 (12)	Curatorship: <i>Hibernia Nat'l Bank v. Jeffrey</i> Case No. 370-035 (September 29, 1988)	Move to Admit (AGREED)
HP Ex. 189 (13)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Howell</i> Case No. 370-287 (October 5, 1988)	Move to Admit (AGREED)
HP Ex. 189 (14)	Curatorship: <i>Alabama Fed. Savings & Loan Ass'n v. Brayton</i> Case No. 370-355 (October 5, 1988)	Move to Admit (AGREED)
HP Ex. 189 (16)	Curatorship: <i>Troy & Nichols Inc. v. Lachney</i> Case No. 370-771 (October 13, 1988)	Move to Admit (AGREED)
HP Ex. 189 (17)	Curatorship: <i>Shawmut First Mortgage Corp. v. Carto</i> Case No. 370-849 (October 14, 1988)	Move to Admit (AGREED)
HP Ex. 189 (18)	Curatorship: <i>First Union Mortgage Corp. v. Wyatt</i> Case No. 372-352 (November 17, 1988)	Move to Admit (AGREED)
HP Ex. 189 (19)	Curatorship: <i>First Nat'l Bank of Commerce v. Every</i> Case No. 372-881 (November 30, 1988)	Move to Admit (AGREED)
HP Ex. 189 (20)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Mackey</i> Case No. 372-944 (December 3, 1988)	Move to Admit (AGREED)
HP Ex. 189 (22)	Curatorship: <i>The First Nat'l Bank of Commerce v. Ordaz</i> Case No. 373-705 (December 16, 1988)	Move to Admit (AGREED)
HP Ex. 189 (23)	Curatorship: <i>Government Nat'l Mortgage Ass'n v. Corwin</i> Case No. 373-707 (December 19, 1988)	Move to Admit (AGREED)
HP Ex. 189 (24)	Curatorship: <i>Standard Mortgage Corp. v. Boxx</i> Case No. 374-742 (January 17, 1989)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (25)	Curatorship: <i>First Nat'l Bank of Commerce v. Hussain</i> Case No. 378-003 (March 20, 1989)	Move to Admit (AGREED)
HP Ex. 189 (27)	Curatorship: <i>Colonial Mortgage Co. v. Bridges</i> Case No. 379-424 (April 17, 1989)	Move to Admit (AGREED)
HP Ex. 189 (28)	Curatorship: <i>Foster Mortgage Co. v. Croon</i> Case No. 379-802 (April 14, 1989) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (29)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Strahley</i> Case No. 381-779 (May 30, 1989)	Move to Admit (AGREED)
HP Ex. 189 (31)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Carter</i> Case No. 382-048 (June 2, 1989)	Move to Admit (AGREED)
HP Ex. 189 (32)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Washington</i> Case No. 382-229 (June 6, 1989)	Move to Admit (AGREED)
HP Ex. 189 (33)	Curatorship: <i>Buckeye Federal Savings & Loan Ass'n v. Eugene</i> Case No. 382-275 (June 7, 1989) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (34)	Curatorship: <i>First Federal Savings Bank v. Landry</i> Case No. 383-658 (June 30, 1989)	Move to Admit (AGREED)
HP Ex. 189 (35)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Young</i> Case No. 383-859 (July 7, 1989) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (36)	Curatorship: <i>Gattuso v. Robin Realty Inc.</i> Case No. 384-277 (July 14, 1989)	Move to Admit (AGREED)
HP Ex. 189 (37)	Curatorship: <i>Colonial Mortgage Co. v. Wire</i> Case No. 384-327 (July 17, 1989)	Move to Admit (AGREED)
HP Ex. 189 (38)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Vining</i> Case No. 386-273 (August 23, 1989)	Move to Admit (AGREED)
HP Ex. 189 (39)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Elbaz</i> Case No. 386-965 (September 6, 1989)	Move to Admit (AGREED)
HP Ex. 189 (40)	Curatorship: <i>Meritor Mortgage Corp. East v. Bass</i> Case No. 388-308 (September 29, 1989)	Move to Admit (AGREED)
HP Ex. 189 (41)	Curatorship: <i>Sovan Mortgage Corp. v. Murray</i> Case No. 390-233 (November 8, 1989)	Move to Admit (AGREED)
HP Ex. 189 (42)	Curatorship: <i>Beneficial Finance Co. of Louisiana v. Guidry</i> Case No. 390-663 (November 17, 1989)	Move to Admit (AGREED)
HP Ex. 189 (43)	Curatorship: <i>Standard Mortgage Corp. v. Arceneaux</i> Case No. 389-960 (November 2, 1989)	Move to Admit (AGREED)
HP Ex. 189 (44)	Curatorship: <i>Mutual Savings & Loan Ass'n v. Wilson</i> Case No. 391-574 (December 7, 1989)	Move to Admit (AGREED)
HP Ex. 189 (45)	Curatorship: <i>National City Mortgage Co. v. Harris</i> Case No. 392-006 (December 18, 1989)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (46)	Curatorship: <i>American General Finance Co. v. Gros</i> Case No. 392-036 (December 18, 1989)	Move to Admit (AGREED)
HP Ex. 189 (47)	Curatorship: <i>BancBoston Mortgage Corp. v. Simoulidis</i> Case No. 392-510 (December 29, 1989)	Move to Admit (AGREED)
HP Ex. 189 (48)	Curatorship: <i>Delta Bank & Trust Co. v. Webb</i> Case No. 392-742 (January 5, 1990)	Move to Admit (AGREED)
HP Ex. 189 (50)	Curatorship: <i>Southwest Savings Ass'n v. Thompson</i> Case No. 393-827 (January 25, 1990)	Move to Admit (AGREED)
HP Ex. 189 (51)	Curatorship: <i>Victoria Mortgage Co. v. McKee</i> Case No. 394-035 (January 30, 1990)	Move to Admit (AGREED)
HP Ex. 189 (52)	Curatorship: <i>H.B. White and Sons, Inc. v. Hutchinson</i> Case No. 394-479 (February 7, 1990)	Move to Admit (AGREED)
HP Ex. 189 (53)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Smith</i> Case No. 394-566 (February 8, 1990)	Move to Admit (AGREED)
HP Ex. 189 (54)	Curatorship: <i>First Nat'l Bank of Commerce v. Lopez</i> Case No. 395-011 (February 15, 1990)	Move to Admit (AGREED)
HP Ex. 189 (55)	Curatorship: <i>Am. Thrift and Finance Plan, Inc. v. Walker</i> Case No. 394-668 (February 12, 1990)	Move to Admit (AGREED)
HP Ex. 189 (56)	Curatorship: <i>Fed. Home Loan Mortgage v. Price & Finley</i> Case No. 395-440 (February 12, 1990)	Move to Admit (AGREED)
HP Ex. 189 (58)	Curatorship: <i>Barclays American Mortgage Corp. v. Coleman</i> Case No. 395-723 (March 5, 1990)	Move to Admit (AGREED)
HP Ex. 189 (59)	Curatorship: <i>U.S. Secretary of Veterans Affairs v. Ducote</i> Case No. 395-988 (March 9, 1990)	Move to Admit (AGREED)
HP Ex. 189 (60)	Curatorship: <i>Blazer Financial Serv. v. Powell</i> Case No. 393-826 (March 26, 1990)	Move to Admit (AGREED)
HP Ex. 189 (61)	Curatorship: <i>First Nat'l Bank v. Richland & Assoc., Inc.</i> Case No. 397-224 (March 29, 1990)	Move to Admit (AGREED)
HP Ex. 189 (62)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Rhodes</i> Case No. 430-148 (April 1, 1992)	Move to Admit (AGREED)
HP Ex. 189 (63)	Curatorship: <i>First Guaranty Mortgage Corp. v. Russell</i> Case No. 397-308 (April 2, 1990)	Move to Admit (AGREED)
HP Ex. 189 (64)	Curatorship: <i>Citicorp Mortgage, Inc. v. Waguespack</i> Case No. 397-910 (April 11, 1990)	Move to Admit (AGREED)
HP Ex. 189 (65)	Curatorship: <i>Franklin Savings Ass'n v. Dales</i> Case No. 397-929 (April 11, 1990)	Move to Admit (AGREED)
HP Ex. 189 (67)	Curatorship: <i>Tory & Nichols, Inc. v. Lewis, et al.</i> Case No. 398-467 (April 23, 1990)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (68)	Curatorship: <i>Fifth District Savings & Loan Ass'n v. Trencio</i> Case No. 399-387 (May 10, 1990)	Move to Admit (AGREED)
HP Ex. 189 (69)	Curatorship: <i>Franklin Savings Ass'n v. Musgrove</i> Case No. 400-119 (May 23, 1990)	Move to Admit (AGREED)
HP Ex. 189 (71)	Curatorship: <i>Leader Federal Bank for Savings v. Ware</i> Case No. 400-913 (June 8, 1990)	Move to Admit (AGREED)
HP Ex. 189 (72)	Curatorship: <i>Courtesy Fin. Servs., Inc. v. Anderson & Davis</i> Case No. 401-600 (June 22, 1990)	Move to Admit (AGREED)
HP Ex. 189 (73)	Curatorship: <i>Resolution Trust Corp. v. Guastella</i> Case No. 402-214 (July 6, 1990)	Move to Admit (AGREED)
HP Ex. 189 (74)	Curatorship: <i>Troy & Nichols, Inc. v. Bloecher</i> Case No. 404-087 (August 8, 1990)	Move to Admit (AGREED)
HP Ex. 189 (75)	Curatorship: <i>In Re: Interdiction of Peppers</i> Case No. 405-232 (August 30, 1990)	Move to Admit (AGREED)
HP Ex. 189 (76)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Metcalf</i> Case No. 405-793 (September 12, 1990) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (78)	Curatorship: <i>Standard Mortgage Corp. v. Williams</i> Case No. 406-038 (September 18, 1990)	Move to Admit (AGREED)
HP Ex. 189 (79)	Curatorship: <i>Succession of Abril</i> Case No. 406-299 (September 24, 1990)	Move to Admit (AGREED)
HP Ex. 189 (80)	Curatorship: <i>Foster Mortgage Corp. v. Blakely</i> Case No. 407-210 (October 11, 1990)	Move to Admit (AGREED)
HP Ex. 189 (81)	Curatorship: <i>Resolution Trust Corp. v. Kearney</i> Case No. 408-362 (November 5, 1990)	Move to Admit (AGREED)
HP Ex. 189 (82)	Curatorship: <i>Resolution Trust Corp. v. Batiste</i> Case No. 408-817 (November 14, 1990)	Move to Admit (AGREED)
HP Ex. 189 (84)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Albert</i> Case No. 409-824 (December 10, 1990)	Move to Admit (AGREED)
HP Ex. 189 (85)	Curatorship: <i>Resolution Trust Corp. v. Cantrelle</i> Case No. 409-873 (December 11, 1990)	Move to Admit (AGREED)
HP Ex. 189 (87)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Champagne</i> Case No. 410-042 (December 14, 1990)	Move to Admit (AGREED)
HP Ex. 189 (88)	Curatorship: <i>Louisiana Housing Finance Agency v. Kramer</i> Case No. 411-621 (January 23, 1991)	Move to Admit (AGREED)
HP Ex. 189 (91)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Joia</i> Case No. 413-517 (March 5, 1991)	Move to Admit (AGREED)
HP Ex. 189 (92)	Curatorship: <i>Standard Mortgage Corp. v. Shaw</i> Case No. 413-632 (March 6, 1991)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (93)	Curatorship: <i>Standard Mortgage Corp. v. Barrios</i> Case No. 414-445 (March 21, 1991)	Move to Admit (AGREED)
HP Ex. 189 (94)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Walther</i> Case No. 415-138 (April 5, 1991)	Move to Admit (AGREED)
HP Ex. 189 (95)	Curatorship: <i>The Fidelity Homestead Ass'n v. Letona</i> Case No. 415-650 (April 16, 1991)	Move to Admit (AGREED)
HP Ex. 189 (96)	Curatorship: <i>Standard Mortgage Corp. v. Lampo</i> Case No. 416-007 (April 24, 1991)	Move to Admit (AGREED)
HP Ex. 189 (99)	Curatorship: <i>Resolution Trust Corp. v. Van Cleef</i> Case No. 416-462 (May 2, 1991)	Move to Admit (AGREED)
HP Ex. 189 (100)	Curatorship: <i>Phillips v. Singletary</i> Case No. 416-630 (May 7, 1991)	Move to Admit (AGREED)
HP Ex. 189 (101)	Curatorship: <i>First Nat'l Bank of Commerce v. Cucinello</i> Case No. 417-432 (May 22, 1991)	Move to Admit (AGREED)
HP Ex. 189 (104)	Curatorship: <i>Resolution Trust Corp. v. Rapp and Doucet</i> Case No. 418-422 (June 13, 1991) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (105)	Curatorship: <i>Phillips v. Coston</i> Case No. 419-523 (July 8, 1991)	Move to Admit (AGREED)
HP Ex. 189 (107)	Curatorship: <i>Miller v. Final Word, Inc.</i> Case No. 420-376 (July 24, 1991)	Move to Admit (AGREED)
HP Ex. 189 (108)	Curatorship: <i>Resolution Trust Corp. v. Napier</i> Case No. 420-489 (July 25, 1991)	Move to Admit (AGREED)
HP Ex. 189 (109)	Curatorship: <i>Standard Mortgage Corp. v. Tornabene</i> Case No. 520-632 (July 26, 1991)	Move to Admit (AGREED)
HP Ex. 189 (111)	Curatorship: <i>Hibernia Nat'l Bank v. Alfortish</i> Case No. 421-180 (August 8, 1991)	Move to Admit (AGREED)
HP Ex. 189 (114)	Curatorship: <i>In Re: Interdiction of Poche</i> Case No. 422-162 (August 30, 1991)	Move to Admit (AGREED)
HP Ex. 189 (116)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Massa</i> Case No. 422-559 (September 9, 1991)	Move to Admit (AGREED)
HP Ex. 189 (118)	Curatorship: <i>American Thrift and Fin. Plan, Inc. v. Johnson</i> Case No. 423-088 (September 19, 1991)	Move to Admit (AGREED)
HP Ex. 189 (119)	Curatorship: <i>Standard Mortgage Corp. v. Contreras</i> Case No. 423-366 (September 25, 1991)	Move to Admit (AGREED)
HP Ex. 189 (120)	Curatorship: <i>Leader Federal Bank for Savings v. Mauer</i> Case No. 423-845 (October 7, 1991)	Move to Admit (AGREED)
HP Ex. 189 (121)	Curatorship: <i>Jawaid v. Aamir</i> Case No. 423-933 (October 8, 1991)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (122)	Curatorship: <i>Security Industrial Ins. Co. v. Queyrouze</i> Case No. 424-264 (October 16, 1991)	Move to Admit (AGREED)
HP Ex. 189 (123)	Curatorship: <i>Resolution Trust Corps. v. Becker</i> Case No. 424-288 (October 16, 1991)	Move to Admit (AGREED)
HP Ex. 189 (124)	Curatorship: <i>Anchor Savings Bank v. Brown</i> Case No. 424-427 (October 18, 1991)	Move to Admit (AGREED)
HP Ex. 189 (125)	Curatorship: <i>Amsouth Mortgage Co., Inc. v. Stephenson</i> Case No. 424-729 (October 25, 1991)	Move to Admit (AGREED)
HP Ex. 189 (127)	Curatorship: <i>Standard Mortgage Corp. v. Hudson</i> Case No. 425-730 (November 19, 1991)	Move to Admit (AGREED)
HP Ex. 189 (130)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Bonnacarrere</i> Case No. 410-458 (December 26, 1991)	Move to Admit (AGREED)
HP Ex. 189 (131)	Curatorship: <i>General Motors Acceptance Corp. v. Bowles</i> Case No. 427-449 (January 6, 1992)	Move to Admit (AGREED)
HP Ex. 189 (132)	Curatorship: <i>Security Nat'l #4 v. Worldwide Warehouse Co.</i> Case No. 427-506 (January 7, 1992) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (133)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Kosterlitz</i> Case No. 427-682 (January 10, 1992)	Move to Admit (AGREED)
HP Ex. 189 (134)	Curatorship: <i>Fleet Mortgage Corp. v. Collins</i> Case No. 427-791 (January 13, 1992)	Move to Admit (AGREED)
HP Ex. 189 (135)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Picciotto</i> Case No. 428-430 (January 28, 1992)	Move to Admit (AGREED)
HP Ex. 189 (136)	Curatorship: <i>In Re: Interdiction of Rivera</i> Case No. 429-354 (February 18, 1992) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (137)	Curatorship: <i>Marchiafava v. Hernandez</i> Case No. 429-485 (February 19, 1992)	Move to Admit (AGREED)
HP Ex. 189 (138)	Curatorship: <i>Associates Equity Services Co., Inc. v. Pineda</i> Case No. 430-027 (February 28, 1992)	Move to Admit (AGREED)
HP Ex. 189 (139)	Curatorship: <i>Security Nat'l Trust v. S. Parish Oil Co.</i> Case No. 430-580 (March 13, 1992)	Move to Admit (AGREED)
HP Ex. 189 (140)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Marino</i> Case No. 431-576 (April 6, 1992)	Move to Admit (AGREED)
HP Ex. 189 (141)	Curatorship: <i>Leader Federal Bank for Savings v. Mason</i> Case No. 431-912 (April 13, 1992)	Move to Admit (AGREED)
HP Ex. 189 (142)	Curatorship: <i>Nat'l Mortgage Co. v. Ellis</i> Case No. 432-904 (May 4, 1992)	Move to Admit (AGREED)
HP Ex. 189 (143)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Kidd</i> Case No. 432-990 (May 6, 1992)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (144)	Curatorship: <i>Succession of Gisclair</i> Case No. 433-124 (May 8, 1992)	Move to Admit (AGREED)
HP Ex. 189 (145)	Curatorship: <i>Succession of Willis</i> Case No. 433- 440 (May 14, 1992)	Move to Admit (AGREED)
HP Ex. 189 (146)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Himelfard</i> Case No. 374-987 (March 16, 1990)	Move to Admit (AGREED)
HP Ex. 189 (147)	Curatorship: <i>Leader Federal Savings & Loan Ass'n v. Verdon</i> Case No. 373-782 (December 20, 1988)	Move to Admit (AGREED)
HP Ex. 189 (148)	Curatorship: <i>Ford Consumer Finance Co., Inc. v. Billiot</i> Case No. 433-676 (May 20, 1992)	Move to Admit (AGREED)
HP Ex. 189 (150)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Collins</i> Case No. 434-713 (June 11, 1992)	Move to Admit (AGREED)
HP Ex. 189 (151)	Curatorship: <i>Hibernia Nat'l Bank v. McKeehan</i> Case No. 434-781 (June 12, 1992)	Move to Admit (AGREED)
HP Ex. 189 (152)	Curatorship: <i>Colonial Mortgage Co. v. Blanchette</i> Case No. 435-168 (June 22, 1992)	Move to Admit (AGREED)
HP Ex. 189 (153)	Curatorship: <i>Countrywide Funding Corp. v. Roy</i> Case No. 435-714 (July 2, 1992)	Move to Admit (AGREED)
HP Ex. 189 (154)	Curatorship: <i>Vanderbilt Mortgage & Finance, Inc. v. Nettles</i> Case No. 435-939 (July 8, 1992)	Move to Admit (AGREED)
HP Ex. 189 (155)	Curatorship: <i>Union Planters Nat'l Bank v. Huggins</i> Case No. 436-054 (July 10, 1992)	Move to Admit (AGREED)
HP Ex. 189 (156)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Lord, et al.</i> Case No. 431-491 (July 15, 1992)	Move to Admit (AGREED)
HP Ex. 189 (157)	Curatorship: <i>Midfirst Bank v. Reed</i> Case No. 436-534 (July 20, 1992)	Move to Admit (AGREED)
HP Ex. 189 (158)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Bishop</i> Case No. 436-651 (July 22, 1992)	Move to Admit (AGREED)
HP Ex. 189 (159)	Curatorship: <i>National Mortgage Co. v. Ragan</i> Case No. 436-706 (July 22, 1992)	Move to Admit (AGREED)
HP Ex. 189 (160)	Curatorship: <i>Hibernia Nat'l Bank v. Ramirez</i> Case No. 436-835 (July 24, 1992)	Move to Admit (AGREED)
HP Ex. 189 (161)	Curatorship: <i>Troy & Nichols, Inc. v. Tharpe</i> Case No. 436-903 (July 27, 1992)	Move to Admit (AGREED)
HP Ex. 189 (162)	Curatorship: <i>Countrywide Funding Corp. v. Johnson</i> Case No. 437-330 (August 4, 1992)	Move to Admit (AGREED)
HP Ex. 189 (163)	Curatorship: <i>American General Finance, Inc. v. Edmonson</i> Case No. 437-431 (August 6, 1992)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (164)	Curatorship: <i>Standard Mortgage Corp. v. Wetwiski</i> Case No. 438-254 (August 27, 1992)	Move to Admit (AGREED)
HP Ex. 189 (165)	Curatorship: <i>Hibernia Nat'l Bank v. Hinds</i> Case No. 438-324 (August 28, 1992)	Move to Admit (AGREED)
HP Ex. 189 (166)	Curatorship: <i>Independence Savings Bank v. Blancq</i> Case No. 438-405 (August 31, 1992)	Move to Admit (AGREED)
HP Ex. 189 (167)	Curatorship: <i>Troy & Nichols, Inc. v. Wegmann</i> Case No. 438-832 (September 10, 1992)	Move to Admit (AGREED)
HP Ex. 189 (168)	Curatorship: <i>Foster Mortgage Corp. v. Favaloro</i> Case No. 438-905 (September 11, 1992)	Move to Admit (AGREED)
HP Ex. 189 (169)	Curatorship: <i>Colonial Mortgage Co. v. Powery</i> Case No. 439-460 (September 24, 1992)	Move to Admit (AGREED)
HP Ex. 189 (170)	Curatorship: <i>Premier Bank v. Marshall</i> Case No. 440-347 (October 15, 1992)	Move to Admit (AGREED)
HP Ex. 189 (171)	Curatorship: <i>Citibank v. Durel</i> Case No. 440-678 (October 23, 1992)	Move to Admit (AGREED)
HP Ex. 189 (172)	Curatorship: <i>Nat'l Mortgage Co. v. Cheng</i> Case No. 440-849 (October 27, 1992)	Move to Admit (AGREED)
HP Ex. 189 (173)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Nguyen</i> Case No. 441-033 (November 2, 1992)	Move to Admit (AGREED)
HP Ex. 189 (174)	Curatorship: <i>Standard Mortgage Corp., v. De Armas</i> Case No. 441-214 (November 5, 1992)	Move to Admit (AGREED)
HP Ex. 189 (175)	Curatorship: <i>First Nat'l Bank of Jefferson Parrish v. Berkeley</i> Case No. 442-832 (December 17, 1992)	Move to Admit (AGREED)
HP Ex. 189 (176)	Curatorship: <i>Colonial Mortgage Co. v. Salaz, et al.</i> Case No. 443-287 (January 4, 1993)	Move to Admit (AGREED)
HP Ex. 189 (177)	Curatorship: <i>Hibernia Nat'l Bank v. Rodrigue</i> Case No. 449-686 (January 7, 1993)	Move to Admit (AGREED)
HP Ex. 189 (178)	Curatorship: <i>Real Estate Financing, Inc. v. Rodriguez</i> Case No. 444-337 (January 27, 1993)	Move to Admit (AGREED)
HP Ex. 189 (179)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Williams</i> Case No. 444-475 (January 29, 1993)	Move to Admit (AGREED)
HP Ex. 189 (180)	Curatorship: <i>New South Federal Savings Bank v. Ray</i> Case No. 444-504 (February 1, 1993)	Move to Admit (AGREED)
HP Ex. 189 (181)	Curatorship: <i>Standard Mortgage Corp. v. Winn</i> Case No. 444-568 (February 2, 1993)	Move to Admit (AGREED)
HP Ex. 189 (182)	Curatorship: <i>United States v. Buxton</i> Case No. 444-608 (February 3, 1993)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (183)	Curatorship: <i>Eastern Savings Bank, FSB v. Edmonston</i> Case No. 445-440 (February 24, 1993)	Move to Admit (AGREED)
HP Ex. 189 (184)	Curatorship: <i>First Heights Bank v. Martin</i> Case No. 440-992 (March 2, 1993)	Move to Admit (AGREED)
HP Ex. 189 (185)	Curatorship: <i>Associates Financial Services of America, Inc. v. Pritchett</i> Case No. 446-138 (April 2, 1993)	Move to Admit (AGREED)
HP Ex. 189 (186)	Curatorship: <i>Mortgage Properties Corp. v. Rheiner</i> Case No. 446-694 (April 2, 1993)	Move to Admit (AGREED)
HP Ex. 189 (187)	Curatorship: <i>The U.S. Secretary of Veterans Affairs v. Melton</i> Case No. 447-979 (April 27, 1993)	Move to Admit (AGREED)
HP Ex. 189 (188)	Curatorship: <i>Colonial Mortgage Co. v. Accardo</i> Case No. 448-059 (April 28, 1993)	Move to Admit (AGREED)
HP Ex. 189 (189)	Curatorship: <i>Nat'l Mortgage Co. v. Gomez</i> Case No. 449-463 (June 2, 1993)	Move to Admit (AGREED)
HP Ex. 189 (190)	Curatorship: <i>Charles F. Curry Co. v. Smith</i> Case No. 449-927 (June 11, 1993)	Move to Admit (AGREED)
HP Ex. 189 (192)	Curatorship: <i>Wachovia Mortgage Co. v. Ware</i> Case No. 451-584 (July 19, 1993)	Move to Admit (AGREED)
HP Ex. 189 (193)	Curatorship: <i>Mortgage Properties Corp. v. Krause</i> Case No. 451-772 (July 23, 1993)	Move to Admit (AGREED)
HP Ex. 189 (194)	Curatorship: <i>City of Kenner v. Rodzen</i> Case No. 452-302 (August 4, 1993)	Move to Admit (AGREED)
HP Ex. 189 (195)	Curatorship: <i>Leader Federal Bank for Savings v. Salmeron</i> Case No. 452-464 (August 9, 1993)	Move to Admit (AGREED)
HP Ex. 189 (196)	Curatorship: <i>STM Mortgage Co. v. Nicholson, et al.</i> Case No. 452-466 (August 9, 1993)	Move to Admit (AGREED)
HP Ex. 189 (197)	Curatorship: <i>Nat'l Mortgage Co. v. Bland</i> Case No. 452-817 (August 17, 1993)	Move to Admit (AGREED)
HP Ex. 189 (198)	Curatorship: <i>First Nat'l Bank of Chicago v. Castro</i> Case No. 453-498 (September 1, 1993)	Move to Admit (AGREED)
HP Ex. 189 (199)	Curatorship: <i>Standard Mortgage Corp. v. Bethay</i> Case No. 453-829 (September 9, 1993)	Move to Admit (AGREED)
HP Ex. 189 (200)	Curatorship: <i>Fed. Home Loan Mortgage v. Estate of Wooley</i> Case No. 454-538 (September 27, 1993)	Move to Admit (AGREED)
HP Ex. 189 (201)	Curatorship: <i>Succession of Rome</i> Case No. 455-809 (October 28, 1993)	Move to Admit (AGREED)
HP Ex. 189 (202)	Curatorship: <i>Leader Federal Bank for Savings v. Pettit</i> Case No. 455-985 (November 2, 1993)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (203)	Curatorship: <i>Standard Mortgage Corp. v. Miles</i> Case No. 456-087 (November 14, 1993)	Move to Admit (AGREED)
HP Ex. 189 (204)	Curatorship: <i>Security Nat'l Partners v. Klein</i> Case No. 456-393 (November 12, 1993)	Move to Admit (AGREED)
HP Ex. 189 (205)	Curatorship: <i>Leader Federal Bank for Savings v. Cespedes</i> Case No. 457-499 (December 10, 1993)	Move to Admit (AGREED)
HP Ex. 189 (206)	Curatorship: <i>First Nat'l Bank of Commerce v. Howell</i> Case No. 458-197 (December 30, 1993)	Move to Admit (AGREED)
HP Ex. 189 (207)	Curatorship: <i>General Motors Acceptance Corp. v. Ruiz</i> Case No. 458-399 (January 6, 1994)	Move to Admit (AGREED)
HP Ex. 189 (208)	Curatorship: <i>Leader Federal Bank for Savings v. Ducote</i> Case No. 459-447 (February 1, 1994)	Move to Admit (AGREED)
HP Ex. 189 (209)	Curatorship: <i>Crye-Leike Mortgage Co., Inc. v. Wofford</i> Case No. 459-877 (February 10, 1994)	Move to Admit (AGREED)
HP Ex. 189 (210)	Curatorship: <i>Hibernia Nat'l Bank v. Wiltz</i> Case No. 460-306 (February 23, 1994)	Move to Admit (AGREED)
HP Ex. 189 (211)	Curatorship: <i>Fleet Mortgage Corp. v. Do</i> Case No. 460-809 (March 7, 1994)	Move to Admit (AGREED)
HP Ex. 189 (212)	Curatorship: <i>Toyota Motor Credit Corp. v. Adams</i> Case No. 460-829 (March 8, 1994)	Move to Admit (AGREED)
HP Ex. 189 (213)	Curatorship: <i>Nat'l Mortgage Co. v. Dauphin</i> Case No. 460-987 (March 11, 1994)	Move to Admit (AGREED)
HP Ex. 189 (214)	Curatorship: <i>BancBoston Mortgage Corp. v. Rechtién</i> Case No. 461-887 (March 31, 1994)	Move to Admit (AGREED)
HP Ex. 189 (215)	Curatorship: <i>Hibernia Nat'l Bank v. Warmington</i> Case No. 464-107 (March 26, 1994)	Move to Admit (AGREED)
HP Ex. 189 (216)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Dabon</i> Case No. 464-338 (June 2, 1994)	Move to Admit (AGREED)
HP Ex. 189 (217)	Curatorship: <i>GE Capital Asset Management Corp. v. Moses</i> Case No. 465-007 (June 17, 1994)	Move to Admit (AGREED)
HP Ex. 189 (218)	Curatorship: <i>In re: Interdiction of Driver</i> Case No. 465-042 (June 20, 1994)	Move to Admit (AGREED)
HP Ex. 189 (219)	Curatorship: <i>Fleet Mortgage Corp. v. Singleton</i> Case No. 465-086 (June 17, 1994)	Move to Admit (AGREED)
HP Ex. 189 (220)	Curatorship: <i>The U.S. Secretary of Veteran's Affairs v. Johns</i> Case No. 465-427 (June 28, 1994)	Move to Admit (AGREED)
HP Ex. 189 (221)	Curatorship: <i>United States of America v. Vincent</i> Case No. 465-445 (June 28, 1994)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (222)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Cox</i> Case No. 465-902 (July 11, 1994)	Move to Admit (AGREED)
HP Ex. 189 (223)	Curatorship: <i>Midfirst Bank v. Alvarez</i> Case No. 466-292 (July 18, 1994)	Move to Admit (AGREED)
HP Ex. 189 (224)	Curatorship: <i>Daigle v. Estate of Chauvin</i> Case No. 466-832 (August 1, 1994)	Move to Admit (AGREED)
HP Ex. 189 (225)	Curatorship: <i>Fed. Home Loan Mortgage Corp. v. Weiselogel</i> Case No. 467-141 (August 8, 1994)	Move to Admit (AGREED)
HP Ex. 189 (226)	Curatorship: <i>Nat'l Mortgage Co. v. Ferrara</i> Case No. 467-516 (August 17, 1994)	Move to Admit (AGREED)
HP Ex. 296	Letter from S.J. Beaulieu, Jr. to Claude C. Lightfoot, enclosing correspondence from William E. Heitkamp August 4, 2003	Move to Admit (AGREED)
HP Ex. 298	Letter from Michael F. Adoue, staff attorney for S.J. Beaulieu, Jr., to FBI Agent Wayne Horner Re: G. Thomas Porteous, Jr., Case No. 01-12363 April 1, 2004	Move to Admit (AGREED)
HP Ex. 299	Letter from Noel Hillman, Chief, Public Integrity Section, Department of Justice, to S.J. Beaulieu, Jr. April 13, 2004	Move to Admit (AGREED)
HP Ex. 342	Lightfoot Affidavit in Support of Attorney's Fees	Move to Admit (AGREED)
HP Ex. 344	2001 Instructions for Completing Bankruptcy Official Form 1, Voluntary Petition	Move to Admit (AGREED)
HP Ex. 345	2001 Instructions for Completing Bankruptcy Schedules	Move to Admit (AGREED)
HP Ex. 346	2001 Instructions for Completing Bankruptcy Statement of Financial	Move to Admit (AGREED)
HP Ex. 372 (a)	Beef Connection Bill and Lori Marcotte Credit Card Record August 6, 1997	Move to Admit (AGREED)
HP Ex. 372 (c)	Beef Connection Bill and Lori Marcotte Credit Card Record November 19, 1997	Move to Admit (AGREED)
HP Ex. 373 (c)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record February 1, 2000	Move to Admit (AGREED)
HP Ex. 373 (d)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record November 7, 2000	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 439 (a)	Senate Judiciary File: Letter from William E. Willis, Chair of the American Bar Association Standing Committee on Federal Judiciary, to Senator Biden Re: Judge Porteous's qualifications for appointment to the federal bench August 30, 1994	Move to Admit (AGREED)
HP Ex. 439 (b)	Senate Judiciary File: Judge G. Thomas Porteous, Jr. – Biography Senate Nominations Hearing October 6, 1994	Move to Admit (AGREED)
HP Ex. 439 (c)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Blue Slips from Senator Breaux and Senator Johnston	Move to Admit (AGREED)
HP Ex. 439 (d)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Dates of Materials Received Re: Senate Confirmation	Move to Admit (AGREED)
HP Ex. 439 (e)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Nomination Hearing Transcript October 6, 1994	Move to Admit (AGREED)
HP Ex. 439 (f)	Senate Judiciary File: White House Nomination of Judge G. Thomas Porteous Jr. to be a United States District Judge for the Eastern District of Louisiana August 25, 1994	Move to Admit (AGREED)
HP Ex. 439 (g)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Public) September 6, 1994	Move to Admit (AGREED)
HP Ex. 439 (h)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Committee Confidential) and Financial Disclosure Form September 6, 1994	Move to Admit (AGREED)
HP Ex. 439 (i)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court cases	Move to Admit (AGREED)
HP Ex. 439 (j)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court opinions	Move to Admit (AGREED)
HP Ex. 439 (k)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – reversals of state court opinions	Move to Admit (AGREED)
HP Ex. 439 (l)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – additional decisions requested	Move to Admit (AGREED)
HP Ex. 439 (m)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – news articles	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 439 (n)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 15, 1994	Move to Admit (AGREED)
HP Ex. 439 (o)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 29, 1994	Move to Admit (AGREED)
HP Ex. 439 (p)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. Staff Memorandum (Committee Confidential) 1994	Move to Admit (AGREED)
HP Ex. 445	Senate Impeachment Trial Committee Deposition of Robert Creeley August 2, 2010	Move to Admit (AGREED)
Porteous Exhibit 1007	List of 24 th JDC Judges	Move to Admit (AGREED)
Porteous Exhibit 1104	<i>Good Faith: A Roundtable Discussion</i> , 1 Am. Bankr. Inst. L. Rev. 11 (1993).	Move to Admit (AGREED)
Porteous Exhibit 2007	Guidry 302	Move to Admit (AGREED)

HOUSE EXHIBITS IN DISPUTE

Exhibit No.	Description	Status
HP Ex. 12	Robert Creely Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 13	<u>Application for Compulsion Order</u> (for Robert Creely) and Immunity <u>Order</u> signed by Chief Judge Edith H. Jones August 3, 2007	House Moves to Admit / Porteous Objects
HP Ex. 20	Jacob Amato, Jr. Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 21(a)	<u>Application for Compulsion Order</u> (for Jacob Amato, Jr.) and Immunity <u>Order</u> signed by Chief Judge Edith H. Jones August 3, 2007	House Moves to Admit / Porteous Objects
HP Ex. 21 (b)	Jacob Amato, Jr. Calendars 1999 – 2001	House Moves to Admit / Porteous Objects
HP. Ex. 21 (c)	Jacob Amato, Jr. Credit Card Records	House Moves to Admit / Porteous Objects
HP Ex. 32	Don Gardner Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 34	<u>Application for Compulsion Order</u> (for Don Gardner) and Immunity <u>Order</u> signed by Chief Judge Edith H. Jones August 3, 2007	House Moves to Admit / Porteous Objects
HP Ex. 43	Rhonda Danos Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 44	<u>Application for Compulsion Order</u> (for Rhonda Danos) and Immunity <u>Order</u> signed by Chief Judge Edith H. Jones August 3, 2007	House Moves to Admit / Porteous Objects
HP Ex. 65	Joseph Mole Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 69 (b) (in its entirety)	FBI Background Check of Judge Porteous DOJ Production Two June 25, 2009	House moves to Admit / Porteous agrees to admission of redacted version of 69(b) / House objects to certain of Porteous's redactions
HP Ex. 69 (d) PORT672	Section 881 (one page)	Already Admitted / Porteous Objects
HP Ex. 69 (d) PORT673 – 677	Sections 881 (continued from PORT672) and 883	House Moves to Admit / Porteous Objects
HP Ex. 88 (a)	<u>Indictment for Violation of the Federal Controlled Substances Act</u> <i>U.S. v. Ronald D. Bodenheimer and Curley J. Chewning</i> Criminal Docket No. 02-219 July 17, 2002	House Moves to Admit / Porteous Objects
HP Ex. 88 (b)	<u>Superseding Indictment for Violation of the Federal Controlled Substances Act</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 January 16, 2003	House Moves to Admit / Porteous Objects
HP Ex. 88 (c)	<u>Indictment for Conspiracy to Commit Mail Fraud, Mail Fraud, and Conspiracy to Violate Civil Rights Laws</u> <i>U.S. v. Ronald D. Bodenheimer, et al.</i> Criminal Docket No. 03-026 February 5, 2003	House Moves to Admit / Porteous Objects

HP Ex. 88 (i)	Unsealed Pleadings <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219	House Moves to Admit / Porteous Objects
HP Ex. 91 (a)	Case File: <i>Bail Bonds Unlimited v. Dennis, et al.</i> Case No. 589-134 24th Judicial District Court, Jefferson Parish, LA	House Moves to Admit / Porteous Objects
HP Ex. 93 (a)	<u>Indictment</u> <i>United States v. Alan Green and Norman Bowley</i> Criminal Docket No. 04-295 September 29, 2004	House Moves to Admit / Porteous Objects
HP Ex. 93 (b)	<u>Judgment</u> <i>United States v. Alan Green</i> Criminal Docket No. 04-295 June 29, 2005	House Moves to Admit / Porteous Objects
HP Ex. 102 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/1997 Reporting Period: 01/01/1996 – 12/31/1996	House Moves to Admit / Porteous Objects
HP Ex. 102 (b)	1996 Financial Disclosure Instructions	House Moves to Admit / Porteous Objects
HP Ex. 103 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1998 Reporting Period: 01/01/1997 – 12/31/1997	House Moves to Admit / Porteous Objects
HP Ex. 103 (b)	1997 Financial Disclosure Instructions	House Moves to Admit / Porteous Objects
HP Ex. 104 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1999 Reporting Period: 01/01/1998 – 12/31/1998	House Moves to Admit / Porteous Objects
HP Ex. 104 (b)	1998 Financial Disclosure Instructions	House Moves to Admit / Porteous Objects
HP Ex. 105 (a)	Judge Porteous Financial Disclosure Form Date of Report: 05/05/2000 Reporting Period: 01/01/1999 – 12/31/1999	House Moves to Admit / Porteous Objects
HP Ex. 105 (b)	1999 Financial Disclosure Instructions	House Moves to Admit / Porteous Objects
HP Ex. 124	Lightfoot Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 167	Porteous Credit Card Statement for December 1996	House Moves to Admit / Porteous Objects
HP Ex. 168	Porteous Credit Card Statement for December 1997	House Moves to Admit / Porteous Objects
HP Ex. 169	Porteous Credit Card Statements for December 1998	House Moves to Admit / Porteous Objects
HP Ex. 170	Porteous Credit Card Statements for December 1999	House Moves to Admit / Porteous Objects
HP Ex. 190	Chart of Curatorships given to Robert Creely from Judge Porteous	House Moves to Admit / Porteous Objects
HP Ex. 283	Task Force Deposition Exhibit 83 (Amato) Jacob Amato, Jr. Calendar June 1999	House Moves to Admit / Porteous Objects
HP Ex. 295	William E. Heitkamp Fifth Circuit Testimony October 30, 2007	House Moves to Admit / Porteous Objects
HP Ex. 301 (a)	Porteous Grand Casino Gulfport Patron Transaction Report (02/27/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 301 (b)	Porteous Bank One Statement (with copies of checks to Grand Casino) March 23, 2001 – April 23, 2001	House Moves to Admit / Porteous Objects

HP Ex. 302	Porteous Treasure Chest Customer Transaction Inquiry (03/02/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 303	Porteous Beau Rivage Credit History (one-time credit limit increase on 04/06/2001)	House Moves to Admit / Porteous Objects
HP Ex. 304	Porteous Beau Rivage Balance Activity (04/07/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 305	Porteous Treasure Chest Customer Transaction Inquiry (04/10/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 306	Porteous Harrah's Patron Credit Activity (04/30/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 307	Porteous Treasure Chest Customer Transaction Inquiry (05/07/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 308	Porteous Treasure Chest Customer Transaction Inquiry (05/16/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 309	Porteous Grand Casino Patron Transaction Report (05/26/2001 markers) and corresponding Bank One records	House Moves to Admit / Porteous Objects
HP Ex. 310	Porteous Treasure Chest Customer Transaction Inquiry (06/20/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 311	Porteous Treasure Chest Customer Transaction Inquiry (07/19/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 312	Porteous Treasure Chest Customer Transaction Inquiry (07/23/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 313 (a)	Porteous Treasure Chest Customer Transaction Inquiry (08/20/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 313 (b)	Porteous Treasure Chest IOU's and Hold Checks Ledger	House Moves to Admit / Porteous Objects
HP Ex. 314	Porteous Harrah's Patron Credit Activity (09/28/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 315	Porteous Treasure Chest Customer Transaction Inquiry (10/13/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 316	Porteous Treasure Chest Customer Transaction Inquiry (10/17/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 317	Porteous Beau Rivage Balance Activity (10/31/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 318	Porteous Treasure Chest Customer Transaction Inquiry (11/27/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 319	Porteous Treasure Chest Customer Transaction Inquiry (12/11/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 320	Porteous Harrah's Patron Credit Activity (12/20/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 321	Porteous Grand Casino Patron Transaction Report (2/12/2002 markers)	House Moves to Admit / Porteous Objects
HP Ex. 322	Porteous Treasure Chest Customer Transaction Inquiry (04/01/2002 markers)	House Moves to Admit / Porteous Objects
HP Ex. 323	Porteous Grand Casino Patron Transaction Report (05/26/2002 markers)	House Moves to Admit / Porteous Objects
HP Ex. 324	Porteous Application for credit increase at Grand Casino Gulfport (from \$2,000 to \$2,500)	House Moves to Admit / Porteous Objects
HP Ex. 325	Porteous Grand Casino Patron Transaction Report (07/04/2002 markers) and corresponding Fidelity Money Market Account records	House Moves to Admit / Porteous Objects

HP Ex. 326	Central Credit, Inc. Gaming Report for Judge Porteous	House Moves to Admit / Porteous Objects
HP Ex. 327	FBI Chart: "G.T. Porteous: Checks Written / Cash Withdrawals Associated with Gaming."	House Moves to Admit / Porteous Objects
HP Ex. 328	FBI Chart: "G.T. Porteous: Gaming Expenses / Charges on Credit Card."	House Moves to Admit / Porteous Objects
HP Ex. 329	Fleet credit card statement with accompanying check written by Rhonda Danos, paying off balance in March 2001.	House Moves to Admit / Porteous Objects
HP Ex. 330	Fleet payment stub and check written by Judge Porteous September 2, 2002	House Moves to Admit / Porteous Objects
HP Ex. 332	Gerald Dennis Fink Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 335	Judge Greendyke Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 338	Dewayne Horner Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 341 (a)	Capital One credit card application August 13, 2001	House Moves to Admit / Porteous Objects
HP Ex. 341 (b)	Porteous Capital One credit card statements	House Moves to Admit / Porteous Objects
HP Ex. 348	Gaming Charges on Porteous's Credit Cards	House Moves to Admit / Porteous Objects
HP Ex. 349	Porteous Monthly Variances in Take Home Pay 1998-2002	House Moves to Admit / Porteous Objects
HP Ex. 370 (a)	1999 PBUS Beau Rivage Convention Records related to Judge Porteous	House Moves to Admit / Porteous Objects
HP Ex. 370 (b)	1999 PBUS Beau Rivage Convention Records related to Rhonda Danos	House Moves to Admit / Porteous Objects
HP Ex. 371	Records related to 1996 and 1998 Marcotte-Danos Las Vegas Trips	House Moves to Admit / Porteous Objects
HP Ex. 373 (a)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record April 23, 1999	Already Admitted / Porteous Objects
HP Ex. 376	Porteous Credit Card Statements May 1999	House Moves to Admit / Porteous Objects
HP Ex. 377	Caesar's Palace Records (Creely's credit card charges for Porteous's Room)	House Moves to Admit / Porteous Objects
HP Ex. 378	Creely's Credit Card Charges May 1999	House Moves to Admit / Porteous Objects
HP Ex. 381	Porteous Fidelity Records re: IRA	House Moves to Admit / Porteous Objects
HP Ex. 382	Records related to \$1,000 Beau Rivage Payment	House Moves to Admit / Porteous Objects
HP Ex. 383	Additional Porteous IRA Records	House Moves to Admit / Porteous Objects
HP Ex. 437	Letter from Chairman Patrick Leahy and Ranking Member Jeff Sessions, of the Senate Judiciary Committee, to Chairman McCaskill and Vice Chairman Hatch, of the Senate Impeachment Trial Committee Re: the Senate Judiciary Committee's archived files on the 1994 nomination of Judge G. Thomas Porteous, Jr. July 27, 2010	House Moves to Admit / Porteous Objects

HP Ex. 438	Letter from Staff Director Derron R. Parks, of the Senate Impeachment Trial Committee, to Jonathan Turley, Esq. and Alan I. Baron, Esq. Re: providing counsel with the entire Senate Judiciary Committee file of Judge Porteous July 30, 2010	House Moves to Admit / Porteous Objects
HP Ex. 439 (q)	Senate Judiciary File: confidential notes taken from FBI file of G. Thomas Porteous, Jr.	House Moves to Admit / Porteous Objects
HP Ex. 440	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part I)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives November 17–18, 2009	House Moves to Admit / Porteous Objects
HP Ex. 441	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part II)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 8, 2009	House Moves to Admit / Porteous Objects
HP Ex. 442	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part III)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 10, 2009	House Moves to Admit / Porteous Objects
HP Ex. 443	<u>To Consider Possible Impeachment of United States District Judge G. Thomas Porteous, Jr. (Part IV)</u> Hearing Before the Task Force on Judicial Impeachment of the Committee on the Judiciary, House of Representatives December 15, 2009	House Moves to Admit / Porteous Objects
HP Ex. 449	<u>To Consider Articles of Impeachment Against U.S. District Judge G. Thomas Porteous Stenographic Minutes</u> of the House of Representatives, Committee on the Judiciary, Task Force on Judicial Impeachment January 21, 2010	House Moves to Admit / Porteous Objects
HP Ex. 450	Fifth Circuit correspondence with Judge Porteous	House Moves to Admit / Porteous Objects
HP Ex. 451	Porteous Bank One Records Aug. – Sept. 2001; Aug. –Sept. 2002; Aug. – Sept. 2003	House Moves to Admit / Porteous Objects
HP Ex. 452 (a)	Porteous Bank One Records May – July 2002	House Moves to Admit / Porteous Objects
HP Ex. 452 (b)	Porteous Fidelity Records May – July 2002	House Moves to Admit / Porteous Objects
HP Ex. 453	Porteous Fidelity Records July – August 2002 (\$1,300 check to Grand Casino Gulfport)	House Moves to Admit / Porteous Objects
HP Ex. 500	House Demonstrative – Chart 1: Fleet	House Moves to Admit / Porteous Objects
HP Ex. 501	House Demonstrative – Chart 2: Treasure Chest	House Moves to Admit / Porteous Objects
HP Ex. 502	House Demonstrative – Chart 3: Tax Return	House Moves to Admit / Porteous Objects
HP Ex. 503	House Demonstrative – Chart 4: Fidelity	House Moves to Admit / Porteous Objects
HP Ex. 504	House Demonstrative – Chart 5: Undisclosed \$2,000 in Bank One	House Moves to Admit / Porteous Objects

HP Ex. 505	House Demonstrative – Chart 6: Undisclosed Grand Casino Markers	House Moves to Admit / Porteous Objects
HP Ex. 506	House Demonstrative – Chart 7: “Ortous”	House Moves to Admit / Porteous Objects
HP Ex. 507	House Demonstrative – Chart 8: Gambling Losses / Statement Financial Affairs (Question 8)	House Moves to Admit / Porteous Objects
HP Ex. 508	House Demonstrative – Chart 9: Violations of Order (Capitol One)	House Moves to Admit / Porteous Objects
HP Ex. 510	House Demonstrative – Chart 11: Danos Payment to Beau Rivage	House Moves to Admit / Porteous Objects
HP Ex. 513	House Demonstrative – Chart 14: Payments to Fleet	House Moves to Admit / Porteous Objects
HP Ex. 514	House Demonstrative – Chart 15: Bankruptcy Timeline	House Moves to Admit / Porteous Objects
HP Ex. 515	House Demonstrative – Chart 16: Use of Fidelity pre-bankruptcy	House Moves to Admit / Porteous Objects
HP Ex. 517	House Demonstrative – Chart 18: Use of Undisclosed Fidelity (cash horde)	House Moves to Admit / Porteous Objects
HP Ex. 518	House Demonstrative – Chart 19: Post-Bankruptcy Fidelity Checks to Casinos	House Moves to Admit / Porteous Objects
HP Ex. 519	House Demonstrative – Chart 20: Wallace (Intro)	House Moves to Admit / Porteous Objects
HP Ex. 520	House Demonstrative – Chart 21: Wallace Slide 2	House Moves to Admit / Porteous Objects
HP Ex. 521	House Demonstrative – Chart 22: Wallace Slide 3	House Moves to Admit / Porteous Objects
HP Ex. 522	House Demonstrative – Chart 23: Wallace Slide 4	House Moves to Admit / Porteous Objects
HP Ex. 523	House Demonstrative – Chart 24: Wallace Slide 5	House Moves to Admit / Porteous Objects
HP Ex. 524	House Demonstrative – Chart 30: 1996 Porteous Financial Disclosure Form	House Moves to Admit / Porteous Objects
HP Ex. 525	House Demonstrative – Chart 31: 1997 Porteous Financial Disclosure Form	House Moves to Admit / Porteous Objects
HP Ex. 526	House Demonstrative – Chart 32: 1998 Porteous Financial Disclosure Form	House Moves to Admit / Porteous Objects
HP Ex. 527	House Demonstrative – Chart 33: 1999 Porteous Financial Disclosure Form	House Moves to Admit / Porteous Objects
HP Ex. 528	House Demonstrative – Chart 34: Instructions to Financial Disclosure Forms	House Moves to Admit / Porteous Objects
HP Ex. 529	Pre-Bankruptcy Fidelity Checks to Casinos	House Moves to Admit / Porteous Objects
HP Ex. 530	Post-Bankruptcy Fidelity Checks to Casinos	House Moves to Admit / Porteous Objects
HP Ex. 531	“Innocent Until Nominated,” G. Calvin Mackenzie, ed. (Chapters 1, 7)	House Moves to Admit / Porteous Objects
HP Ex. 532	Summary Chart: Judge Porteous’s Gambling Markers – July 2001 through July 2002	House Moves to Admit / Porteous Objects

Congress of the United States
Washington, DC 20515

September 28, 2010

Via Electronic Mail

The Honorable Claire McCaskill, Chair
 The Honorable Orrin G. Hatch, Vice Chair
 Senate Impeachment Trial Committee
 United States Senate
 Russell Senate Office Building, Room B-34A
 Washington, D.C. 20002

Re: Impeachment of Judge G. Thomas Porteous, Jr. – House Exhibits

Dear Senator McCaskill and Senator Hatch:

This letter pertains to the House of Representatives' list of exhibits that it seeks to admit into evidence. After a meeting with Committee staff and counsel for Judge Porteous on September 27, 2010, the House has revised its list of exhibits sought to be admitted. The House has also prepared supplemental responses to certain of Judge Porteous's objections to the admission of certain exhibits. These revisions and supplemental responses are discussed in detail below and are also reflected in the revised Excel spreadsheet, prepared by the House, and enclosed with this letter.

Fifth Circuit Hearing Testimony and House Task Force Hearing Testimony

Judge Porteous has objected to the admission into evidence of all Fifth Circuit testimony (other than the testimony of Judge Porteous) and all Task Force Hearing testimony. The admissibility of this testimony should not be at issue. This Committee has already dispositively ruled on its admission. Specifically, this Committee held in its August 26, 2010 Disposition of Pre-Trial Motions that this testimony should be admitted:

Permitting the use of prior testimony in which Judge Porteous has had the opportunity for cross examination strikes the appropriate balance between providing fair process for Judge Porteous and giving the Senate access to relevant evidence. Judge Porteous cross examined witnesses in both the Fifth Circuit proceedings and House Task Force hearings but did not have the opportunity to cross examine witnesses in the federal grand jury proceedings or in the House Task Force depositions. The Senate should have the benefit of the sworn testimony from the proceedings that led up to the Senate impeachment trial. Admitting such prior testimony will aid in the deliberations by the full Senate as it weighs the relevance and probative value of the evidence. (emphasis added).

The House relied on that Order in planning its trial strategy, including making decisions as to which witnesses it would call and what it would elicit from them in their SITC testimony. The arguments advanced by Judge Porteous are simply a rehash of arguments that were made pre-trial, and Judge Porteous has provided nothing more at this point to justify a fundamental change in the evidentiary rules after the trial has been completed.

With regard to the Fifth Circuit hearing testimony, the House has withdrawn HP Exhibits 13, 21(a), 34, and 44, which are the Immunity Orders granted to certain witnesses who testified before the Fifth Circuit.

Pursuant to the Committee's request, the House has broken out the House Task Force Hearing testimony by individual witness on its Exhibit List. The new exhibits are as follows:

- HP Ex. 440 (a) – Robert Creely Task Force testimony
- HP Ex. 440 (b) – Jacob Amato Task Force testimony
- HP Ex. 440 (c) – Joseph Mole Task Force testimony
- HP Ex. 441 (a) – FBI Agent DeWayne Horner Task Force testimony
- HP Ex. 441 (b) – Claude Lightfoot Task Force testimony
- HP Ex. 441 (c) – Judge Duncan Keir Task Force testimony
- HP Ex. 442 – Louis Marcotte and Lori Marcotte Task Force testimony¹

The House has withdrawn HP Exhibit 443 from its Exhibit List entirely. This exhibit was the fourth House Task Force Hearing transcript, which contained the expert testimony of Professors Amar, Gerhardt, and Geyh.

Demonstrative Exhibits

Pursuant to the discussion with the Committee on September 27th, the House has removed all of its demonstrative exhibits from its Exhibit List and has created a separate, stand-alone list of demonstrative documents. This list contains a column identifying all House exhibits that support each demonstrative exhibit. The House has also withdrawn the following exhibits entirely: HP Exhibits 327-328 and 348-349.

Jacob Amato's Calendars and Credit Card Records

The House stated at the September 27th meeting that it would provide a supplemental written response to Judge Porteous's objections to HP Exhibits 21(b) and 283 – Amato's calendars – and HP Exhibit 21(c) – Amato's credit card records.

¹ Louis Marcotte and Lori Marcotte testified before the House Task Force as a panel.

Regarding HP Exhibit 21(b) (which was SC Exhibit 17 in the Fifth Circuit proceedings), Mr. Amato previously prepared a typed list of the dates of the lunches he attended with Judge Porteous. Mr. Amato was questioned extensively about these materials in the Fifth Circuit Hearing. *See, e.g.*, HP Ex. 20 (Amato 5th Cir. Testimony at 250–55). There is no question that the calendar references to Judge Porteous (or “GTP”) are references to lunches at which Amato paid for Judge Porteous. As but one example, at one point in the examination of Amato, the following colloquy occurred:

Q. During the pendency of this Liljeberg trial in 1999 – this comes out of Exhibit Number 17. And I’ll get the Bates stamps later.

You had lunch a couple of times a month, pretty much, May, June, July, August, September, October, November, December?

A. [Amato] Yes.

Id. at 254. The questioner – Mr. Woods – subsequently identified the document that he was referring to as “Bates [number] 522 out of Exhibit 17.” *Id.* There were several other references to SC Exhibit 17 in the transcript, in connection with the examination of meals that Mr. Amato provided to Judge Porteous while the Liljeberg case was pending.

Regarding HP Exhibit 283, this Exhibit is a sub-set of HP Exhibit 21(b) and specifically contains Mr. Amato’s June 1999 calendar. The confusion during Mr. Amato’s SITC hearing testimony regarding this document resulted from the copying of the calendar. Page 1 of Exhibit 283 cuts off the bottom row of the calendar. Page 2 of Exhibit 283 cuts off the top row of the calendar (including the “June” reference) in order to capture the full bottom row of the calendar, which contains the clear reference to the fishing trip with Judge Porteous. When reviewed in its entirety it is clearly a calendar for the month of June, 1999.

Further, Amato in his SITC testimony specifically referenced that he went on the fishing trip with “Mitch Martin.” *See* Amato SITC at 140. The calendar entry for June 29 specifically references “Mitch Martin.” Finally, notwithstanding the confusion associated with Mr. Amato’s SITC testimony, he has clearly identified that calendar date in prior admissible testimony. *See, e.g.*, HP Exhibit 440(b) (Amato Task Force Hrg. at 104).

Regarding HP Exhibit 21(c), although the Fifth Circuit prosecutor did not specifically identify the Amato credit card records by exhibit number, he referred to those credit card records in his examination of Mr. Amato. There is no dispute as to the authenticity of those records.

These three exhibits (with accompanying testimony) are precisely the sort of undisputed, corroborative evidence that Senator McCaskill appeared to contemplate as being unnecessary to elicit at trial. The House’s intent to use these exhibits (or similar exhibits) for these purposes could not have been made more clear. For example, Mr. Schiff argued: “Admission of the prior record in this case will serve the same purpose as in [the Nixon impeachment proceedings]. It will allow the live testimony to focus on the key witnesses and not only on the key witnesses but also key portions of the testimony of the key witnesses.” *See* SITC August 4, 2010 Hrg. at approximately 82 minutes. He stressed that the ability to rely on prior testimony and materials was particularly significant because of the time constraints that were imposed on the House in

presenting its case. Mr. Schiff specifically noted that the House may seek to streamline its presentation with Amato and Creely by eliciting the kickback scheme, but not “go through all the other conduct . . . every hunting trip, every fishing trip etcetera that’s already in the record.” *Id.* at approximately 92 minutes. (Though the House ultimately did not use all its time, Amato was the first witness.)

Finally, the House stresses that it seeks the admission of these materials not because of their status as Fifth Circuit exhibits (the fact that they were marked or even used at the proceeding is irrelevant to this argument), but because they are authentic and relevant to demonstrating that during the pendency of the *Liljeberg* case, Mr. Amato took Judge Porteous to numerous expensive restaurants and also went on a fishing trip with him, where Judge Porteous asked Amato for money. The fact that the admissible Fifth Circuit testimony of Amato clarifies any potential ambiguity in those records – in fact there is no ambiguity – simply eliminates the possibility that those records may be misconstrued. Therefore, House Exhibits 21(b), 283, and 21(c) should be admitted.

Green Pleadings

The following four arguments present further support of the admission of HP Exhibits 93(a) and (b): (1) Proof of Alan Green's conviction corroborates the testimony of Lori Marcotte that Judge Porteous, as part of a corrupt relationship with them, helped the Marcottes form a corrupt relationship with Green. See HP Exhibit 442 (Lori Marcotte Task Force Hrg. at 57 and Louis Marcotte Task Force Hrg. at 54). (2) It demonstrates the damage resulting from Judge Porteous's vouching for the Marcottes (in the same way that Judge Porteous vouched for Judge Bodenheimer). (3) It highlights the injury that would result from Judge Porteous's continued presence on the federal bench after it has been shown that other state judges who engaged in corrupt relationships with the Marcottes went to jail. (4) Green's conviction involved his taking the same sorts of judicial acts for the Marcottes in terms of setting bonds as those alleged against Judge Porteous in Article II. For example, the charged scheme of which Judge Green was convicted (set forth in Count Two of the Indictment, paragraphs 4 and 5, and incorporated by reference into Count Three of which Judge Green was convicted) involved Judge Green taking a series of actions in setting and splitting bonds to permit the Marcottes to maximize their profit.

DOJ Productions

Regarding HP Exhibit 69(b), based upon the Committee's representation that a full, un-redacted version of the FBI background check file of Judge Porteous will be made available to the Senators, the parties have agreed upon a redacted version of Exhibit 69(b), to be released to the public. These redactions, including the exclusion of certain pages in the background check, were proposed by Judge Porteous, and the House has agreed. The House understands that the Committee may make further redactions of this document before it is released to the public.

Regarding HP Exhibit 69(d), the House has provided Judge Porteous with confirmation that the versions of Louisiana Statutes 881 and 893 contained within 69(d) are the versions that were in effect in 1994. Judge Porteous therefore has no objection to the admission of these statutes, and the House has listed this document on the list of Agreed Exhibits.

Bodenheimer Pleadings

The House has withdrawn HP Exhibits 88(a), (b), (c), and (i).

BBU Lawsuit

The House has withdrawn HP Exhibit 91(a).

Misc. Documents

The House has withdrawn HP Exhibits 437, 438, 449, and 450.

If there are any questions about the list of exhibits the House seeks to admit, I am available at your convenience.

Very Truly Yours,

A handwritten signature in black ink that reads "Alan I. Baron" followed by a stylized flourish.

Alan I. Baron
Special Impeachment Counsel

Enclosures

cc: Jonathan Turley (via electronic mail) (w/ enclosures)
Daniel C. Schwartz (via electronic mail) (w/ enclosures)
P.J. Meitl (via electronic mail) (w/ enclosures)
Dan O'Connor (via electronic mail) (w/ enclosures)

HOUSE EXHIBITS IN DISPUTE

Exhibit No.	Description	Status
HP Ex. 12	Robert Creely Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 20	Jacob Amato, Jr. Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 21 (b)	Jacob Amato, Jr. Calendars 1999 – 2001	House Moves to Admit / Porteous Objects
HP, Ex. 21 (c)	Jacob Amato, Jr. Credit Card Records	House Moves to Admit / Porteous Objects
HP Ex. 32	Don Gardner Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 43	Rhonda Danos Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 65	Joseph Mole Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 93 (a)	<u>Indictment</u> <i>United States v. Alan Green and Norman Bowley</i> Criminal Docket No. 04-295 September 29, 2004	House Moves to Admit / Porteous Objects
HP Ex. 93 (b)	<u>Judgment</u> <i>United States v. Alan Green</i> Criminal Docket No. 04-295 June 29, 2005	House Moves to Admit / Porteous Objects
HP Ex. 102 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/1997 Reporting Period: 01/01/1996 – 12/31/1996	House Moves to Admit / Porteous Objects
HP Ex. 102 (b)	1996 Financial Disclosure Instructions	House Moves to Admit / Porteous Objects
HP Ex. 103 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1998 Reporting Period: 01/01/1997 – 12/31/1997	House Moves to Admit / Porteous Objects
HP Ex. 103 (b)	1997 Financial Disclosure Instructions	House Moves to Admit / Porteous Objects
HP Ex. 104 (a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1999 Reporting Period: 01/01/1998 – 12/31/1998	House Moves to Admit / Porteous Objects
HP Ex. 104 (b)	1998 Financial Disclosure Instructions	House Moves to Admit / Porteous Objects
HP Ex. 105 (a)	Judge Porteous Financial Disclosure Form Date of Report: 05/05/2000 Reporting Period: 01/01/1999 – 12/31/1999	House Moves to Admit / Porteous Objects
HP Ex. 105 (b)	1999 Financial Disclosure Instructions	House Moves to Admit / Porteous Objects
HP Ex. 124	Lightfoot Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 167	Porteous Credit Card Statement for December 1996	House Moves to Admit / Porteous Objects
HP Ex. 168	Porteous Credit Card Statement for December 1997	House Moves to Admit / Porteous Objects
HP Ex. 169	Porteous Credit Card Statements for December 1998	House Moves to Admit / Porteous Objects

HP Ex. 170	Porteous Credit Card Statements for December 1999	House Moves to Admit / Porteous Objects
HP Ex. 283	Task Force Deposition Exhibit 83 (Amato) Jacob Amato, Jr. Calendar June 1999	House Moves to Admit / Porteous Objects
HP Ex. 295	William E. Heitkamp Fifth Circuit Testimony October 30, 2007	House Moves to Admit / Porteous Objects
HP Ex. 301 (a)	Porteous Grand Casino Gulfport Patron Transaction Report (02/27/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 301 (b)	Porteous Bank One Statement (with copies of checks to Grand Casino) March 23, 2001 – April 23, 2001	House Moves to Admit / Porteous Objects
HP Ex. 302	Porteous Treasure Chest Customer Transaction Inquiry (03/02/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 303	Porteous Beau Rivage Credit History (one-time credit limit increase on 04/06/2001)	House Moves to Admit / Porteous Objects
HP Ex. 304	Porteous Beau Rivage Balance Activity (04/07/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 305	Porteous Treasure Chest Customer Transaction Inquiry (04/10/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 306	Porteous Harrah's Patron Credit Activity (04/30/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 307	Porteous Treasure Chest Customer Transaction Inquiry (05/07/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 308	Porteous Treasure Chest Customer Transaction Inquiry (/05/16/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 309	Porteous Grand Casino Patron Transaction Report (05/26/2001 markers) and corresponding Bank One records	House Moves to Admit / Porteous Objects
HP Ex. 310	Porteous Treasure Chest Customer Transaction Inquiry (06/20/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 311	Porteous Treasure Chest Customer Transaction Inquiry (07/19/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 312	Porteous Treasure Chest Customer Transaction Inquiry (07/23/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 313 (a)	Porteous Treasure Chest Customer Transaction Inquiry (08/20/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 313 (b)	Porteous Treasure Chest IOU's and Hold Checks Ledger	House Moves to Admit / Porteous Objects
HP Ex. 314	Porteous Harrah's Patron Credit Activity (09/28/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 315	Porteous Treasure Chest Customer Transaction Inquiry (10/13/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 316	Porteous Treasure Chest Customer Transaction Inquiry (10/17/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 317	Porteous Beau Rivage Balance Activity (10/31/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 318	Porteous Treasure Chest Customer Transaction Inquiry (11/27/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 319	Porteous Treasure Chest Customer Transaction Inquiry (12/11/2001 markers)	House Moves to Admit / Porteous Objects

HP Ex. 320	Porteous Harrah's Patron Credit Activity (12/20/2001 markers)	House Moves to Admit / Porteous Objects
HP Ex. 321	Porteous Grand Casino Patron Transaction Report (2/12/2002 markers)	House Moves to Admit / Porteous Objects
HP Ex. 322	Porteous Treasure Chest Customer Transaction Inquiry (04/01/2002 markers)	House Moves to Admit / Porteous Objects
HP Ex. 323	Porteous Grand Casino Patron Transaction Report (05/26/2002 markers)	House Moves to Admit / Porteous Objects
HP Ex. 324	Porteous Application for credit increase at Grand Casino Gulfport (from \$2,000 to \$2,500)	House Moves to Admit / Porteous Objects
HP Ex. 325	Porteous Grand Casino Patron Transaction Report (07/04/2002 markers) and corresponding Fidelity Money Market Account records	House Moves to Admit / Porteous Objects
HP Ex. 326	Central Credit, Inc. Gaming Report for Judge Porteous	House Moves to Admit / Porteous Objects
HP Ex. 329	Fleet credit card statement with accompanying check written by Rhonda Danos, paying off balance in March 2001.	House Moves to Admit / Porteous Objects
HP Ex. 330	Fleet payment stub and check written by Judge Porteous September 2, 2002	House Moves to Admit / Porteous Objects
HP Ex. 332	Gerald Dennis Fink Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 335	Judge Greendyke Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 338	Dewayne Horner Fifth Circuit Testimony October 29, 2007	House Moves to Admit / Porteous Objects
HP Ex. 341 (a)	Capital One credit card application August 13, 2001	House Moves to Admit / Porteous Objects
HP Ex. 341 (b)	Porteous Capital One credit card statements	House Moves to Admit / Porteous Objects
HP Ex. 370 (a)	1999 PBUS Beau Rivage Convention Records related to Judge Porteous	House Moves to Admit / Porteous Objects
HP Ex. 370 (b)	1999 PBUS Beau Rivage Convention Records related to Rhonda Danos	House Moves to Admit / Porteous Objects
HP Ex. 371	Records related to 1996 and 1998 Marcotte-Danos Las Vegas Trips	House Moves to Admit / Porteous Objects
HP Ex. 373 (a)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record April 23, 1999	Already Admitted / Porteous Objects
HP Ex. 376	Porteous Credit Card Statements May 1999	House Moves to Admit / Porteous Objects
HP Ex. 377	Caesar's Palace Records (Creely's credit card charges for Porteous's Room)	House Moves to Admit / Porteous Objects
HP Ex. 378	Creely's Credit Card Charges May 1999	House Moves to Admit / Porteous Objects
HP Ex. 381	Porteous Fidelity Records re: IRA	House Moves to Admit / Porteous Objects
HP Ex. 382	Records related to \$1,000 Beau Rivage Payment	House Moves to Admit / Porteous Objects
HP Ex. 383	Additional Porteous IRA Records	House Moves to Admit / Porteous Objects
HP Ex. 439 (q)	Senate Judiciary File: confidential notes taken from FBI file of G. Thomas Porteous, Jr.	House Moves to Admit / Porteous Objects

HP Ex. 440 (a)	House Task Force Hearing Testimony of Robert Creely November 17, 2009	House Moves to Admit / Porteous Objects
HP Ex. 440 (b)	House Task Force Hearing Testimony of Jacob Amato November 17, 2009	House Moves to Admit / Porteous Objects
HP Ex. 440 (c)	House Task Force Hearing Testimony of Joseph Mole November 18, 2009	House Moves to Admit / Porteous Objects
HP Ex. 441 (a)	House Task Force Hearing Testimony of FBI Agent Horner December 8, 2009	House Moves to Admit / Porteous Objects
HP Ex. 441 (b)	House Task Force Hearing Testimony of Claude Lightfoot December 8, 2009	House Moves to Admit / Porteous Objects
HP Ex. 441 (c)	House Task Force Hearing Testimony of Judge Duncan Keir December 8, 2009	House Moves to Admit / Porteous Objects
HP Ex. 442	House Task Force Hearing Testimony of Louis and Lori Marcotte December 10, 2009	House Moves to Admit / Porteous Objects
HP Ex. 451	Porteous Bank One Records Aug. – Sept. 2001; Aug. – Sept. 2002; Aug. – Sept. 2003	House Moves to Admit / Porteous Objects
HP Ex. 452 (a)	Porteous Bank One Records May – July 2002	House Moves to Admit / Porteous Objects
HP Ex. 452 (b)	Porteous Fidelity Records May – July 2002	House Moves to Admit / Porteous Objects
HP Ex. 453	Porteous Fidelity Records July – August 2002 (\$1,300 check to Grand Casino Gulfport)	House Moves to Admit / Porteous Objects
HP Ex. 529	Pre-Bankruptcy Fidelity Checks to Casinos	House Moves to Admit / Porteous Objects
HP Ex. 530	Post-Bankruptcy Fidelity Checks to Casinos	House Moves to Admit / Porteous Objects
HP Ex. 531	“Innocent Until Nominated,” G. Calvin Mackenzie, ed. (Chapters 1, 7)	House Moves to Admit / Porteous Objects

In The Senate of the United States
Sitting as a Court of Impeachment

In re:)
Impeachment of G. Thomas Porteous, Jr.,)
United States District Judge for the)
Eastern District of Louisiana)
)

The House of Representatives' Demonstrative Trial Exhibits

Demonstrative Chart No.	Previous Trial Exhibit No.	Description	Supporting Documents
House Chart 1	HP Ex. 500	House Demonstrative – Chart 1: Fleet	HP Exhibits 127, 140, 329
House Chart 2	HP Ex. 501	House Demonstrative – Chart 2: Treasure Chest	HP Exhibits 127, 302
House Chart 3	HP Ex. 502	House Demonstrative – Chart 3: Tax Return	HP Exhibits 127, 141, 144
House Chart 4	HP Ex. 503	House Demonstrative – Chart 4: Fidelity	HP Exhibits 127, 143
House Chart 5	HP Ex. 504	House Demonstrative – Chart 5: Undisclosed \$2,000 in Bank One	HP Exhibits 127, 143, 144
House Chart 6	HP Ex. 505	House Demonstrative – Chart 6: Undisclosed Grand Casino Markers	HP Exhibits 143, 301(a)–(b)
House Chart 7	HP Ex. 506	House Demonstrative – Chart 7: “Ortous”	HP Exhibits 125, 145
House Chart 8	HP Ex. 507	House Demonstrative – Chart 8: Gambling Losses / Statement Financial Affairs (Question 8)	HP Exhibit 127
House Chart 9	HP Ex. 508	House Demonstrative – Chart 9: Violations of Order (Capitol One)	HP Exhibits 133, 341(a)–(b)
House Chart 11	HP Ex. 510	House Demonstrative – Chart 11: Danos Payment to Beau Rivage	HP Exhibits 303, 304, 382
House Chart 14	HP Ex. 513	House Demonstrative – Chart 14: Payments to Fleet	HP Exhibit 140, 144
House Chart 15	HP Ex. 514	House Demonstrative – Chart 15: Bankruptcy Timeline	HP Exhibits 125, 141, 143, 144, 145, 301(a)–(b), 302, 329
House Chart 16	HP Ex. 515	House Demonstrative – Chart 16: Use of Fidelity pre-bankruptcy	HP Exhibits 529

Demonstrative Chart No.	Previous Trial Exhibit No.	Description	Supporting Documents
House Chart 18	HP Ex. 517	House Demonstrative – Chart 18: Use of Undisclosed Fidelity (cash horde)	HP Exhibit 452(a)–(b)
House Chart 19	HP Ex. 518	House Demonstrative – Chart 19: Post-Bankruptcy Fidelity Checks to Casinos	HP Exhibit 530
House Chart 20	HP Ex. 519	House Demonstrative – Chart 20: Wallace (Intro)	HP Exhibit 69(d) at PORT672–677
House Chart 21	HP Ex. 520	House Demonstrative – Chart 21: Wallace Slide 2	HP Exhibit 82
House Chart 22	HP Ex. 521	House Demonstrative – Chart 22: Wallace Slide 3	HP Exhibit 82
House Chart 23	HP Ex. 522	House Demonstrative – Chart 23: Wallace Slide 4	HP Exhibit 82
House Chart 24	HP Ex. 523	House Demonstrative – Chart 24: Wallace Slide 5	HP Exhibit 82
House Chart 30	HP Ex. 524	House Demonstrative – Chart 30: 1996 Porteous Financial Disclosure Form	HP Exhibits 102(a), 167
House Chart 31	HP Ex. 525	House Demonstrative – Chart 31: 1997 Porteous Financial Disclosure Form	HP Exhibits 103(a), 168
House Chart 32	HP Ex. 526	House Demonstrative – Chart 32: 1998 Porteous Financial Disclosure Form	HP Exhibits 104(a), 169
House Chart 33	HP Ex. 527	House Demonstrative – Chart 33: 1999 Porteous Financial Disclosure Form	HP Exhibits 105(a), 170
House Chart 34	HP Ex. 528	House Demonstrative – Chart 34: Instructions to Financial Disclosure Forms	HP Exhibit 102(b)
House Chart 40	HP Ex. 190	Chart of Curatorships given to Robert Creely from Judge Porteous	HP Exhibits 189(1)–(226)
House Table 7 ¹	HP Ex. 532	Summary Chart: Judge Porteous's Gambling Markers – July 2001 through July 2002	HP Exhibits 311–325

¹ This demonstrative exhibit is intentionally identified as a “Table” as opposed to a “Chart” because it was marked as Table 7 in the House of Representatives’ Report and was referred to as “Table 7” during the SITC evidentiary hearing.

In The Senate of the United States
Sitting as a Court of Impeachment

In re:)
Impeachment of G. Thomas Porteous, Jr.,)
United States District Judge for the)
Eastern District of Louisiana)
)

The House of Representatives' and Judge Porteous's Trial Exhibits
To Be Admitted Into Evidence (Agreed)

Trial Exhibit No.	Description	Status
HP Ex. 1	House Resolution 15: Authorizing Committee on the Judiciary to Inquire whether the House Should Impeach Judge Porteous January 13, 2009	Move to Admit (AGREED)
HP Ex. 2	Committee on the Judiciary Resolution Establishing Task Force January 22, 2009	Move to Admit (AGREED)
HP Ex. 3	Committee on the Judiciary Resolution Amending the January 22, 2009 Resolution May 12, 2009	Move to Admit (AGREED)
HP Ex. 6 (a)	<u>Memorandum Order and Certification</u> Judicial Council of the Fifth Circuit Docket No. 07-05-351-0085 December 20, 2007	Move to Admit (AGREED)
HP Ex. 6(c)	Judge G. Thomas Porteous, Jr.'s Reply Memorandum to the Special Investigatory Committee Report <u>In The Matter of G. Thomas Porteous, Jr.</u> December 5, 2007	Move to Admit (AGREED)
HP Ex. 7 (a)	Letter from James C. Duff, Secretary to the Judicial Conference of the United States to the Speaker of the House of Representatives June 18, 2008	Move to Admit (AGREED)
HP Ex. 7 (b)	Certificate to the Speaker of the United States House of Representatives June 17, 2009	Move to Admit (AGREED)
HP Ex. 7 (c)	Report and Recommendations of the Judicial Conference Committee on Judicial Conduct and Disability June 2008	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 8	<u>Order and Public Reprimand</u> by the Judicial Counsel of the Fifth Circuit (suspending Judge G. Thomas Porteous from the bench for two years) September 10, 2008	Move to Admit (AGREED)
HP Ex. 9 (a)	President Clinton's Nomination of Judge Porteous August 25, 1994	Move to Admit (AGREED)
HP Ex. 9 (b)	Excerpts from Senate Confirmation Hearings for Judge Porteous October 6, 1994	Move to Admit (AGREED)
HP Ex. 9 (c)	Congressional Record Reflecting Senate Confirmation of Judge Porteous October 7, 1994	Move to Admit (AGREED)
HP Ex. 9 (d)	Judge Porteous Appointment Affidavit October 28, 1994	Move to Admit (AGREED)
HP Ex. 9 (e)	Judge Porteous Resignation Letter to the 24 th Judicial District Court October 25, 1994	Move to Admit (AGREED)
HP Ex. 9 (f)	Certified Copy of Judge Porteous's Questionnaire for Judicial Nominees (received from the Senate Committee on the Judiciary)	Move to Admit (AGREED)
HP Ex. 10	Judge Porteous Fifth Circuit Testimony October 29, 2007	Move to Admit (AGREED)
HP Ex. 17	<u>Application for Compulsion Order</u> (for Judge Porteous) and Immunity <u>Order</u> signed by Chief Judge Edith H. Jones October 5, 2007	Move to Admit (AGREED)
HP Ex. 48	FBI Surveillance Video March 11, 2002	Move to Admit (AGREED)
HP Ex. 50	PACER Docket Report: <i>In re: Liljeberg Enters. Inc., et al.</i> Case No.: 2:93-cv-01794-GTP	Move to Admit (AGREED)
HP Ex. 51 (a)	<u>Ex Parte Motion of Liljeberg Enterprises, Inc. to Substitute Counsel</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP September 19, 1996	Move to Admit (AGREED)
HP Ex. 51 (b)	<u>Order</u> (Granting Motion to Substitute Counsel) <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP September 23, 1996	Move to Admit (AGREED)
HP Ex. 52	<u>Motion to Recuse</u> (by Lifemark) and <u>Memorandum in Support of Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 1, 1996	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 53	<u>Memorandum in Opposition to Lifemark's Motion to Recuse Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</u> Case No.: 2:93-cv-01794-GTP October 9, 1996	Move to Admit (AGREED)
HP Ex. 54	<u>Motion for Leave to File Lifemark's Reply Memorandum to Liljeberg Enterprises Inc.'s Opposition to Motion to Recuse and Lifemark's Reply Memorandum to Liljeberg Enterprises, Inc.'s Opposition to Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 11, 1996	Move to Admit (AGREED)
HP Ex. 55	<u>Motion for Leave of Court to File Response to Lifemark's Reply Memorandum on Motion to Recuse and Memorandum in Support of Motion for Leave;</u> <u>Order; and</u> <u>Memorandum of Liljeberg Enterprises, Inc. and St. Jude Hospital of Kenner La., Inc. in Opposition to Reply Memorandum of Lifemark on Motion to Recuse</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 15, 1996	Move to Admit (AGREED)
HP Ex. 57	<u>Judgment (Denying Lifemark's Motion to Recuse)</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP October 17, 1996	Move to Admit (AGREED)
HP Ex. 58	<u>Lifemark's Petition for Writ of Mandamus to Fifth Circuit Court of Appeals</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> October 24, 1996	Move to Admit (AGREED)
HP Ex. 59	<u>Order (Denying Petition for Writ of Mandamus)</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No. 96-31098 (Fifth Circuit Court of Appeals) October 28, 1996	Move to Admit (AGREED)
HP Ex. 60 (a)	<u>Ex Parte Motion of Lifemark to Enroll Additional Counsel of Record (Don Gardner)</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP March 11, 1997	Move to Admit (AGREED)
HP Ex. 60 (b)	<u>Order (Granting Lifemark's Motion to Enroll Don Gardner as Counsel)</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP March 12, 1997	Move to Admit (AGREED)
HP Ex. 61	<u>Trial Transcript Excerpts</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP July 17, 1997 and July 21, 1997	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 62	<u>Opinion</u> <i>Lifemark Hospitals Inc. v. Liljeberg Enters. Inc.</i> Case No.: 2:93-cv-01794-GTP April 25, 2000	Move to Admit (AGREED)
HP Ex. 67	Cover Emails and Clinton Presidential Records re: Judge Porteous	Move to Admit (AGREED)
HP Ex. 69 (a)	Department of Justice Document Production One (excerpts) June 18, 2009	Move to Admit (AGREED)
HP Ex. 69 (b) (redacted)	Department of Justice Document Production Two (excerpts) FBI Background Check File	Move to Admit (AGREED)
HP Ex. 69 (d) PORT610 – 629	Wallace Hearing Transcripts	Move to Admit (AGREED)
HP Ex. 69 (d) PORT673–677	Sections 881 and 883	Move to Admit (AGREED)
HP Ex. 69 (j)	Judge Porteous FBI Interview Transcription Date: August 18, 1994 (Un-redacted version of document admitted in 69(b))	Move to Admit (AGREED)
HP Ex. 69 (k)	Judge Porteous FBI Interview Transcription Date: August 18, 1994 (Un-redacted version of document admitted in 69(b))	Move to Admit (AGREED)
HP Ex. 70	PACER Docket Report: <i>United States v. Louis Marcotte and Lori Marcotte</i> Criminal No. 04:CR-00061-GPK	Move to Admit (AGREED)
HP Ex. 71 (b)	<u>Plea Agreement</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 February 20, 2004	Move to Admit (AGREED)
HP Ex. 71 (c)	<u>Plea Agreement Addendum</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit (AGREED)
HP Ex. 71 (d)	<u>Factual Basis</u> <i>United States v. Louis Marcotte III</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit (AGREED)
HP Ex. 71 (f)	<u>Unsealed Pleadings</u> <i>United States v. Louis M. Marcotte III & Lori Marcotte</i> Criminal Docket No. 4-061	Move to Admit (AGREED)
HP Ex. 73 (a)	<u>Plea Agreement</u> <i>United States v. Lori Marcotte</i> Criminal Docket No.: 4-061 February 20, 2004	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 73 (b)	<u>Addendum to Plea Agreement</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit (AGREED)
HP Ex. 73 (c)	<u>Factual Basis</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 March 18, 2004	Move to Admit (AGREED)
HP Ex. 73 (d)	<u>Judgment</u> <i>United States v. Lori Marcotte</i> Criminal Docket No. 4-061 August 28, 2006	Move to Admit (AGREED)
HP Ex. 88 (e)	<u>Plea Agreement</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 28, 2003	Move to Admit (AGREED)
HP Ex. 88 (f)	<u>Factual Basis</u> <i>United States v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 28, 2003	Move to Admit (AGREED)
HP Ex. 88 (g)	<u>Supplement to Factual Basis</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 March 31, 2003	Move to Admit (AGREED)
HP Ex. 88 (h)	<u>Judgment and Probation/Commitment Order</u> <i>U.S. v. Ronald D. Bodenheimer</i> Criminal Docket No. 02-219 April 28, 2004	Move to Admit (AGREED)
HP Ex. 90 (a)	Professional Bail Agents of the United States Midyear Conference Program Royal Sonesta Hotel, New Orleans, LA July 11–13, 1996	Move to Admit (AGREED)
HP Ex. 90 (b)	Professional Bail Agents of the United States Midyear Conference Program Beau Rivage Hotel, Biloxi, MS July 17–21, 1999	Move to Admit (AGREED)
HP Ex. 122(b)	Lightfoot Crime Fraud Ruling October 19, 2004	Move to Admit (AGREED)
HP Ex. 129	Trustee's Memo to Record re: Meeting of Creditors <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 130	Meeting of Creditors Hearing Transcript <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 9, 2001	Move to Admit (AGREED)
HP Ex. 131	Amended Schedule F and Modified Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	Move to Admit (AGREED)
HP Ex. 132	Amended Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) May 29, 2001	Move to Admit (AGREED)
HP Ex. 134	Trustee's Notice of Intention to Pay Claims <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) Oct. 4, 2001	Move to Admit (AGREED)
HP Ex. 135	Trustee's Ex Parte Motion to Amend the Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.)	Move to Admit (AGREED)
HP Ex. 136	Trustee's Final Report <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) April 2004	Move to Admit (AGREED)
HP Ex. 137	Discharge of Debtor After Completion of Chapter 13 Plan <i>In the Matter of Porteous</i> Case No. 01-12363 (Bankr. E.D. La.) July 22, 2004	Move to Admit (AGREED)
HP Ex. 138 (a)	Lightfoot Handwritten Notes	Move to Admit (AGREED)
HP Ex. 138 (b)	Bankruptcy Worksheets	Move to Admit (AGREED)
HP Ex. 139	Cover Letter and Remainder of Lightfoot File	Move to Admit (AGREED)
HP Ex. 140	Fleet Credit Card Statements (***0658) February 13, 2001 – September 15, 2001	Move to Admit (AGREED)
HP Ex. 143	Fidelity Money Market Statement of Transaction Items (showing balance of over \$623.91 on March 22, 2001)	Move to Admit (AGREED)
HP Ex. 144	Porteous Bank One Records January 25, 2001 – April 23, 2001	Move to Admit (AGREED)
HP Ex. 146	Lightfoot Letter re: Workout Proposal / Excluding Regions December 21, 2000	Move to Admit (AGREED)
HP Ex. 149	Harrah's Casino Credit Application April 30, 2001	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 188	Letter from Jon A. Gegenheimer, Clerk of Court, Jefferson Parish, Louisiana, to Special Agent Wayne Horner Re: Curator Fees July 22, 2010	Move to Admit (AGREED)
HP Ex. 189 (1)	Curatorship: <i>Arseneaux v. Johnson</i> Case No. 363-652 (May 26, 1988)	Move to Admit (AGREED)
HP Ex. 189 (2)	Curatorship: <i>Citicorp v. Wolf</i> Case No. 365-064 (June 23, 1988)	Move to Admit (AGREED)
HP Ex. 189 (3)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Hood</i> Case No. 367-074 (August 3, 1988)	Move to Admit (AGREED)
HP Ex. 189 (5)	Curatorship: <i>Standard Mortgage Corp. v. Alonte and Pfeiffer</i> Case No. 367-321 (August 8, 1988) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (6)	Curatorship: <i>Victor Federal Savings & Loan Ass'n v. Bushell</i> Case No. 367-901 (August 17, 1988)	Move to Admit (AGREED)
HP Ex. 189 (8)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Ray</i> Case No. 368-819 (September 6, 1988)	Move to Admit (AGREED)
HP Ex. 189 (10)	Curatorship: <i>United Federal Savings & Loan Ass'n v. Muse</i> Case No. 369-269 (September 14, 1988)	Move to Admit (AGREED)
HP Ex. 189 (11)	Curatorship: <i>Foster Mortgage Corp. v. Alexander</i> Case No. 369-956 (September 28, 1988)	Move to Admit (AGREED)
HP Ex. 189 (12)	Curatorship: <i>Hibernia Nat'l Bank v. Jeffrey</i> Case No. 370-035 (September 29, 1988)	Move to Admit (AGREED)
HP Ex. 189 (13)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Howell</i> Case No. 370-287 (October 5, 1988)	Move to Admit (AGREED)
HP Ex. 189 (14)	Curatorship: <i>Alabama Fed. Savings & Loan Ass'n v. Brayton</i> Case No. 370-355 (October 5, 1988)	Move to Admit (AGREED)
HP Ex. 189 (16)	Curatorship: <i>Troy & Nichols Inc. v. Lachney</i> Case No. 370-771 (October 13, 1988)	Move to Admit (AGREED)
HP Ex. 189 (17)	Curatorship: <i>Shawmut First Mortgage Corp. v. Carto</i> Case No. 370-849 (October 14, 1988)	Move to Admit (AGREED)
HP Ex. 189 (18)	Curatorship: <i>First Union Mortgage Corp. v. Wyatt</i> Case No. 372-352 (November 17, 1988)	Move to Admit (AGREED)
HP Ex. 189 (19)	Curatorship: <i>First Nat'l Bank of Commerce v. Every</i> Case No. 372-881 (November 30, 1988)	Move to Admit (AGREED)
HP Ex. 189 (20)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Mackey</i> Case No. 372-944 (December 3, 1988)	Move to Admit (AGREED)
HP Ex. 189 (22)	Curatorship: <i>The First Nat'l Bank of Commerce v. Ordaz</i> Case No. 373-705 (December 16, 1988)	Move to Admit (AGREED)
HP Ex. 189 (23)	Curatorship: <i>Government Nat'l Mortgage Ass'n v. Corwin</i> Case No. 373-707 (December 19, 1988)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (24)	Curatorship: <i>Standard Mortgage Corp. v. Boxx</i> Case No. 374-742 (January 17, 1989)	Move to Admit (AGREED)
HP Ex. 189 (25)	Curatorship: <i>First Nat'l Bank of Commerce v. Hussain</i> Case No. 378-003 (March 20, 1989)	Move to Admit (AGREED)
HP Ex. 189 (27)	Curatorship: <i>Colonial Mortgage Co. v. Bridges</i> Case No. 379-424 (April 17, 1989)	Move to Admit (AGREED)
HP Ex. 189 (28)	Curatorship: <i>Foster Mortgage Co. v. Croon</i> Case No. 379-802 (April 14, 1989) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (29)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Strahley</i> Case No. 381-779 (May 30, 1989)	Move to Admit (AGREED)
HP Ex. 189 (31)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Carter</i> Case No. 382-048 (June 2, 1989)	Move to Admit (AGREED)
HP Ex. 189 (32)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Washington</i> Case No. 382-229 (June 6, 1989)	Move to Admit (AGREED)
HP Ex. 189 (33)	Curatorship: <i>Buckeye Federal Savings & Loan Ass'n v. Eugene</i> Case No. 382-275 (June 7, 1989) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (34)	Curatorship: <i>First Federal Savings Bank v. Landry</i> Case No. 383-658 (June 30, 1989)	Move to Admit (AGREED)
HP Ex. 189 (35)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Young</i> Case No. 383-859 (July 7, 1989) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (36)	Curatorship: <i>Gattuso v. Robin Realty Inc.</i> Case No. 384-277 (July 14, 1989)	Move to Admit (AGREED)
HP Ex. 189 (37)	Curatorship: <i>Colonial Mortgage Co. v. Wire</i> Case No. 384-327 (July 17, 1989)	Move to Admit (AGREED)
HP Ex. 189 (38)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Vining</i> Case No. 386-273 (August 23, 1989)	Move to Admit (AGREED)
HP Ex. 189 (39)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Elbaz</i> Case No. 386-965 (September 6, 1989)	Move to Admit (AGREED)
HP Ex. 189 (40)	Curatorship: <i>Meritor Mortgage Corp. East v. Bass</i> Case No. 388-308 (September 29, 1989)	Move to Admit (AGREED)
HP Ex. 189 (41)	Curatorship: <i>Sovan Mortgage Corp. v. Murray</i> Case No. 390-233 (November 8, 1989)	Move to Admit (AGREED)
HP Ex. 189 (42)	Curatorship: <i>Beneficial Finance Co. of Louisiana v. Guidry</i> Case No. 390-663 (November 17, 1989)	Move to Admit (AGREED)
HP Ex. 189 (43)	Curatorship: <i>Standard Mortgage Corp. v. Arceneaux</i> Case No. 389-960 (November 2, 1989)	Move to Admit (AGREED)
HP Ex. 189 (44)	Curatorship: <i>Mutual Savings & Loan Ass'n v. Wilson</i> Case No. 391-574 (December 7, 1989)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (45)	Curatorship: <i>National City Mortgage Co. v. Harris</i> Case No. 392-006 (December 18, 1989)	Move to Admit (AGREED)
HP Ex. 189 (46)	Curatorship: <i>American General Finance Co. v. Gros</i> Case No. 392-036 (December 18, 1989)	Move to Admit (AGREED)
HP Ex. 189 (47)	Curatorship: <i>BancBoston Mortgage Corp. v. Simoulidis</i> Case No. 392-510 (December 29, 1989)	Move to Admit (AGREED)
HP Ex. 189 (48)	Curatorship: <i>Delta Bank & Trust Co. v. Webb</i> Case No. 392-742 (January 5, 1990)	Move to Admit (AGREED)
HP Ex. 189 (50)	Curatorship: <i>Southwest Savings Ass'n v. Thompson</i> Case No. 393-827 (January 25, 1990)	Move to Admit (AGREED)
HP Ex. 189 (51)	Curatorship: <i>Victoria Mortgage Co. v. McKee</i> Case No. 394-035 (January 30, 1990)	Move to Admit (AGREED)
HP Ex. 189 (52)	Curatorship: <i>H.B. White and Sons, Inc. v. Hutchinson</i> Case No. 394-479 (February 7, 1990)	Move to Admit (AGREED)
HP Ex. 189 (53)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Smith</i> Case No. 394-566 (February 8, 1990)	Move to Admit (AGREED)
HP Ex. 189 (54)	Curatorship: <i>First Nat'l Bank of Commerce v. Lopez</i> Case No. 395-011 (February 15, 1990)	Move to Admit (AGREED)
HP Ex. 189 (55)	Curatorship: <i>Am. Thrift and Finance Plan, Inc. v. Walker</i> Case No. 394-668 (February 12, 1990)	Move to Admit (AGREED)
HP Ex. 189 (56)	Curatorship: <i>Fed. Home Loan Mortgage v. Price & Finley</i> Case No. 395-440 (February 12, 1990)	Move to Admit (AGREED)
HP Ex. 189 (58)	Curatorship: <i>Barclays American Mortgage Corp. v. Coleman</i> Case No. 395-723 (March 5, 1990)	Move to Admit (AGREED)
HP Ex. 189 (59)	Curatorship: <i>U.S. Secretary of Veterans Affairs v. Ducote</i> Case No. 395-988 (March 9, 1990)	Move to Admit (AGREED)
HP Ex. 189 (60)	Curatorship: <i>Blazer Financial Serv. v. Powell</i> Case No. 393-826 (March 26, 1990)	Move to Admit (AGREED)
HP Ex. 189 (61)	Curatorship: <i>First Nat'l Bank v. Richland & Assoc., Inc.</i> Case No. 397-224 (March 29, 1990)	Move to Admit (AGREED)
HP Ex. 189 (62)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Rhodes</i> Case No. 430-148 (April 1, 1992)	Move to Admit (AGREED)
HP Ex. 189 (63)	Curatorship: <i>First Guaranty Mortgage Corp. v. Russell</i> Case No. 397-308 (April 2, 1990)	Move to Admit (AGREED)
HP Ex. 189 (64)	Curatorship: <i>Citicorp Mortgage, Inc. v. Waguespack</i> Case No. 397-910 (April 11, 1990)	Move to Admit (AGREED)
HP Ex. 189 (65)	Curatorship: <i>Franklin Savings Ass'n v. Dales</i> Case No. 397-929 (April 11, 1990)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (67)	Curatorship: <i>Tory & Nichols, Inc. v. Lewis, et al.</i> Case No. 398-467 (April 23, 1990)	Move to Admit (AGREED)
HP Ex. 189 (68)	Curatorship: <i>Fifth District Savings & Loan Ass'n v. Trencio</i> Case No. 399-387 (May 10, 1990)	Move to Admit (AGREED)
HP Ex. 189 (69)	Curatorship: <i>Franklin Savings Ass'n v. Musgrove</i> Case No. 400-119 (May 23, 1990)	Move to Admit (AGREED)
HP Ex. 189 (71)	Curatorship: <i>Leader Federal Bank for Savings v. Ware</i> Case No. 400-913 (June 8, 1990)	Move to Admit (AGREED)
HP Ex. 189 (72)	Curatorship: <i>Courtesy Fin. Servs., Inc. v. Anderson & Davis</i> Case No. 401-600 (June 22, 1990)	Move to Admit (AGREED)
HP Ex. 189 (73)	Curatorship: <i>Resolution Trust Corp. v. Guastella</i> Case No. 402-214 (July 6, 1990)	Move to Admit (AGREED)
HP Ex. 189 (74)	Curatorship: <i>Troy & Nichols, Inc. v. Bloecher</i> Case No. 404-087 (August 8, 1990)	Move to Admit (AGREED)
HP Ex. 189 (75)	Curatorship: <i>In Re: Interdiction of Peppers</i> Case No. 405-232 (August 30, 1990)	Move to Admit (AGREED)
HP Ex. 189 (76)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Metcalf</i> Case No. 405-793 (September 12, 1990) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (78)	Curatorship: <i>Standard Mortgage Corp. v. Williams</i> Case No. 406-038 (September 18, 1990)	Move to Admit (AGREED)
HP Ex. 189 (79)	Curatorship: <i>Succession of Abril</i> Case No. 406-299 (September 24, 1990)	Move to Admit (AGREED)
HP Ex. 189 (80)	Curatorship: <i>Foster Mortgage Corp. v. Blakely</i> Case No. 407-210 (October 11, 1990)	Move to Admit (AGREED)
HP Ex. 189 (81)	Curatorship: <i>Resolution Trust Corp. v. Kearney</i> Case No. 408-362 (November 5, 1990)	Move to Admit (AGREED)
HP Ex. 189 (82)	Curatorship: <i>Resolution Trust Corp. v. Batiste</i> Case No. 408-817 (November 14, 1990)	Move to Admit (AGREED)
HP Ex. 189 (84)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Albert</i> Case No. 409-824 (December 10, 1990)	Move to Admit (AGREED)
HP Ex. 189 (85)	Curatorship: <i>Resolution Trust Corp. v. Cantrelle</i> Case No. 409-873 (December 11, 1990)	Move to Admit (AGREED)
HP Ex. 189 (87)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Champagne</i> Case No. 410-042 (December 14, 1990)	Move to Admit (AGREED)
HP Ex. 189 (88)	Curatorship: <i>Louisiana Housing Finance Agency v. Kramer</i> Case No. 411-621 (January 23, 1991)	Move to Admit (AGREED)
HP Ex. 189 (91)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Joia</i> Case No. 413-517 (March 5, 1991)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (92)	Curatorship: <i>Standard Mortgage Corp. v. Shaw</i> Case No. 413-632 (March 6, 1991)	Move to Admit (AGREED)
HP Ex. 189 (93)	Curatorship: <i>Standard Mortgage Corp. v. Barrios</i> Case No. 414-445 (March 21, 1991)	Move to Admit (AGREED)
HP Ex. 189 (94)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Walther</i> Case No. 415-138 (April 5, 1991)	Move to Admit (AGREED)
HP Ex. 189 (95)	Curatorship: <i>The Fidelity Homestead Ass'n v. Letona</i> Case No. 415-650 (April 16, 1991)	Move to Admit (AGREED)
HP Ex. 189 (96)	Curatorship: <i>Standard Mortgage Corp. v. Lampo</i> Case No. 416-007 (April 24, 1991)	Move to Admit (AGREED)
HP Ex. 189 (99)	Curatorship: <i>Resolution Trust Corp. v. Van Cleef</i> Case No. 416-462 (May 2, 1991)	Move to Admit (AGREED)
HP Ex. 189 (100)	Curatorship: <i>Phillips v. Singletary</i> Case No. 416-630 (May 7, 1991)	Move to Admit (AGREED)
HP Ex. 189 (101)	Curatorship: <i>First Nat'l Bank of Commerce v. Cucinello</i> Case No. 417-432 (May 22, 1991)	Move to Admit (AGREED)
HP Ex. 189 (104)	Curatorship: <i>Resolution Trust Corp. v. Rapp and Doucet</i> Case No. 418-422 (June 13, 1991) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (105)	Curatorship: <i>Phillips v. Coston</i> Case No. 419-523 (July 8, 1991)	Move to Admit (AGREED)
HP Ex. 189 (107)	Curatorship: <i>Miller v. Final Word, Inc.</i> Case No. 420-376 (July 24, 1991)	Move to Admit (AGREED)
HP Ex. 189 (108)	Curatorship: <i>Resolution Trust Corp. v. Napier</i> Case No. 420-489 (July 25, 1991)	Move to Admit (AGREED)
HP Ex. 189 (109)	Curatorship: <i>Standard Mortgage Corp. v. Tornabene</i> Case No. 520-632 (July 26, 1991)	Move to Admit (AGREED)
HP Ex. 189 (111)	Curatorship: <i>Hibernia Nat'l Bank v. Alfortish</i> Case No. 421-180 (August 8, 1991)	Move to Admit (AGREED)
HP Ex. 189 (114)	Curatorship: <i>In Re: Interdiction of Poche</i> Case No. 422-162 (August 30, 1991)	Move to Admit (AGREED)
HP Ex. 189 (116)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Massa</i> Case No. 422-559 (September 9, 1991)	Move to Admit (AGREED)
HP Ex. 189 (118)	Curatorship: <i>American Thrift and Fin. Plan, Inc. v. Johnson</i> Case No. 423-088 (September 19, 1991)	Move to Admit (AGREED)
HP Ex. 189 (119)	Curatorship: <i>Standard Mortgage Corp. v. Contreras</i> Case No. 423-366 (September 25, 1991)	Move to Admit (AGREED)
HP Ex. 189 (120)	Curatorship: <i>Leader Federal Bank for Savings v. Mauer</i> Case No. 423-845 (October 7, 1991)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (121)	Curatorship: <i>Jawaid v. Aamir</i> Case No. 423-933 (October 8, 1991)	Move to Admit (AGREED)
HP Ex. 189 (122)	Curatorship: <i>Security Industrial Ins. Co. v. Queyrouze</i> Case No. 424-264 (October 16, 1991)	Move to Admit (AGREED)
HP Ex. 189 (123)	Curatorship: <i>Resolution Trust Corps. v. Becker</i> Case No. 424-288 (October 16, 1991)	Move to Admit (AGREED)
HP Ex. 189 (124)	Curatorship: <i>Anchor Savings Bank v. Brown</i> Case No. 424-427 (October 18, 1991)	Move to Admit (AGREED)
HP Ex. 189 (125)	Curatorship: <i>Amsouth Mortgage Co., Inc. v. Stephenson</i> Case No. 424-729 (October 25, 1991)	Move to Admit (AGREED)
HP Ex. 189 (127)	Curatorship: <i>Standard Mortgage Corp. v. Hudson</i> Case No. 425-730 (November 19, 1991)	Move to Admit (AGREED)
HP Ex. 189 (130)	Curatorship: <i>Jefferson Savings & Loan Ass'n v. Bonnacarrere</i> Case No. 410-458 (December 26, 1991)	Move to Admit (AGREED)
HP Ex. 189 (131)	Curatorship: <i>General Motors Acceptance Corp. v. Bowles</i> Case No. 427-449 (January 6, 1992)	Move to Admit (AGREED)
HP Ex. 189 (132)	Curatorship: <i>Security Nat'l #4 v. Worldwide Warehouse Co.</i> Case No. 427-506 (January 7, 1992) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (133)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Kosterlitz</i> Case No. 427-682 (January 10, 1992)	Move to Admit (AGREED)
HP Ex. 189 (134)	Curatorship: <i>Fleet Mortgage Corp. v. Collins</i> Case No. 427-791 (January 13, 1992)	Move to Admit (AGREED)
HP Ex. 189 (135)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Picciotto</i> Case No. 428-430 (January 28, 1992)	Move to Admit (AGREED)
HP Ex. 189 (136)	Curatorship: <i>In Re: Interdiction of Rivera</i> Case No. 429-354 (February 18, 1992) (Division A)	Move to Admit (AGREED)
HP Ex. 189 (137)	Curatorship: <i>Marchiafava v. Hernandez</i> Case No. 429-485 (February 19, 1992)	Move to Admit (AGREED)
HP Ex. 189 (138)	Curatorship: <i>Associates Equity Services Co., Inc. v. Pineda</i> Case No. 430-027 (February 28, 1992)	Move to Admit (AGREED)
HP Ex. 189 (139)	Curatorship: <i>Security Nat'l Trust v. S. Parish Oil Co.</i> Case No. 430-580 (March 13, 1992)	Move to Admit (AGREED)
HP Ex. 189 (140)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Marino</i> Case No. 431-576 (April 6, 1992)	Move to Admit (AGREED)
HP Ex. 189 (141)	Curatorship: <i>Leader Federal Bank for Savings v. Mason</i> Case No. 431-912 (April 13, 1992)	Move to Admit (AGREED)
HP Ex. 189 (142)	Curatorship: <i>Nat'l Mortgage Co. v. Ellis</i> Case No. 432-904 (May 4, 1992)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (143)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Kidd</i> Case No. 432-990 (May 6, 1992)	Move to Admit (AGREED)
HP Ex. 189 (144)	Curatorship: <i>Succession of Gisclair</i> Case No. 433-124 (May 8, 1992)	Move to Admit (AGREED)
HP Ex. 189 (145)	Curatorship: <i>Succession of Willis</i> Case No. 433-440 (May 14, 1992)	Move to Admit (AGREED)
HP Ex. 189 (146)	Curatorship: <i>Pelican Homestead & Savings Ass'n v. Himelfard</i> Case No. 374-987 (March 16, 1990)	Move to Admit (AGREED)
HP Ex. 189 (147)	Curatorship: <i>Leader Federal Savings & Loan Ass'n v. Verdon</i> Case No. 373-782 (December 20, 1988)	Move to Admit (AGREED)
HP Ex. 189 (148)	Curatorship: <i>Ford Consumer Finance Co., Inc. v. Billiot</i> Case No. 433-676 (May 20, 1992)	Move to Admit (AGREED)
HP Ex. 189 (150)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Collins</i> Case No. 434-713 (June 11, 1992)	Move to Admit (AGREED)
HP Ex. 189 (151)	Curatorship: <i>Hibernia Nat'l Bank v. McKeehan</i> Case No. 434-781 (June 12, 1992)	Move to Admit (AGREED)
HP Ex. 189 (152)	Curatorship: <i>Colonial Mortgage Co. v. Blanchette</i> Case No. 435-168 (June 22, 1992)	Move to Admit (AGREED)
HP Ex. 189 (153)	Curatorship: <i>Countrywide Funding Corp. v. Roy</i> Case No. 435-714 (July 2, 1992)	Move to Admit (AGREED)
HP Ex. 189 (154)	Curatorship: <i>Vanderbilt Mortgage & Finance, Inc. v. Nettles</i> Case No. 435-939 (July 8, 1992)	Move to Admit (AGREED)
HP Ex. 189 (155)	Curatorship: <i>Union Planters Nat'l Bank v. Huggins</i> Case No. 436-054 (July 10, 1992)	Move to Admit (AGREED)
HP Ex. 189 (156)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Lord, et al.</i> Case No. 431-491 (July 15, 1992)	Move to Admit (AGREED)
HP Ex. 189 (157)	Curatorship: <i>Midfirst Bank v. Reed</i> Case No. 436-534 (July 20, 1992)	Move to Admit (AGREED)
HP Ex. 189 (158)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Bishop</i> Case No. 436-651 (July 22, 1992)	Move to Admit (AGREED)
HP Ex. 189 (159)	Curatorship: <i>National Mortgage Co. v. Ragan</i> Case No. 436-706 (July 22, 1992)	Move to Admit (AGREED)
HP Ex. 189 (160)	Curatorship: <i>Hibernia Nat'l Bank v. Ramirez</i> Case No. 436-835 (July 24, 1992)	Move to Admit (AGREED)
HP Ex. 189 (161)	Curatorship: <i>Troy & Nichols, Inc. v. Tharpe</i> Case No. 436-903 (July 27, 1992)	Move to Admit (AGREED)
HP Ex. 189 (162)	Curatorship: <i>Countrywide Funding Corp. v. Johnson</i> Case No. 437-330 (August 4, 1992)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (163)	Curatorship: <i>American General Finance, Inc. v. Edmonson</i> Case No. 437-431 (August 6, 1992)	Move to Admit (AGREED)
HP Ex. 189 (164)	Curatorship: <i>Standard Mortgage Corp. v. Wetwiski</i> Case No. 438-254 (August 27, 1992)	Move to Admit (AGREED)
HP Ex. 189 (165)	Curatorship: <i>Hibernia Nat'l Bank v. Hinds</i> Case No. 438-324 (August 28, 1992)	Move to Admit (AGREED)
HP Ex. 189 (166)	Curatorship: <i>Independence Savings Bank v. Blanca</i> Case No. 438-405 (August 31, 1992)	Move to Admit (AGREED)
HP Ex. 189 (167)	Curatorship: <i>Troy & Nichols, Inc. v. Wegmann</i> Case No. 438-832 (September 10, 1992)	Move to Admit (AGREED)
HP Ex. 189 (168)	Curatorship: <i>Foster Mortgage Corp. v. Favaloro</i> Case No. 438-905 (September 11, 1992)	Move to Admit (AGREED)
HP Ex. 189 (169)	Curatorship: <i>Colonial Mortgage Co. v. Powery</i> Case No. 439-460 (September 24, 1992)	Move to Admit (AGREED)
HP Ex. 189 (170)	Curatorship: <i>Premier Bank v. Marshall</i> Case No. 440-347 (October 15, 1992)	Move to Admit (AGREED)
HP Ex. 189 (171)	Curatorship: <i>Citibank v. Durel</i> Case No. 440-678 (October 23, 1992)	Move to Admit (AGREED)
HP Ex. 189 (172)	Curatorship: <i>Nat'l Mortgage Co. v. Cheng</i> Case No. 440-849 (October 27, 1992)	Move to Admit (AGREED)
HP Ex. 189 (173)	Curatorship: <i>First Nat'l Bank of Jefferson Parish v. Nguyen</i> Case No. 441-033 (November 2, 1992)	Move to Admit (AGREED)
HP Ex. 189 (174)	Curatorship: <i>Standard Mortgage Corp., v. De Armas</i> Case No. 441-214 (November 5, 1992)	Move to Admit (AGREED)
HP Ex. 189 (175)	Curatorship: <i>First Nat'l Bank of Jefferson Parrish v. Berkeley</i> Case No. 442-832 (December 17, 1992)	Move to Admit (AGREED)
HP Ex. 189 (176)	Curatorship: <i>Colonial Mortgage Co. v. Salaz, et al.</i> Case No. 443-287 (January 4, 1993)	Move to Admit (AGREED)
HP Ex. 189 (177)	Curatorship: <i>Hibernia Nat'l Bank v. Rodrigue</i> Case No. 449-686 (January 7, 1993)	Move to Admit (AGREED)
HP Ex. 189 (178)	Curatorship: <i>Real Estate Financing, Inc. v. Rodriguez</i> Case No. 444-337 (January 27, 1993)	Move to Admit (AGREED)
HP Ex. 189 (179)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Williams</i> Case No. 444-475 (January 29, 1993)	Move to Admit (AGREED)
HP Ex. 189 (180)	Curatorship: <i>New South Federal Savings Bank v. Ray</i> Case No. 444-504 (February 1, 1993)	Move to Admit (AGREED)
HP Ex. 189 (181)	Curatorship: <i>Standard Mortgage Corp. v. Winn</i> Case No. 444-568 (February 2, 1993)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (182)	Curatorship: <i>United States v. Buxton</i> Case No. 444-608 (February 3, 1993)	Move to Admit (AGREED)
HP Ex. 189 (183)	Curatorship: <i>Eastern Savings Bank, FSB v. Edmonston</i> Case No. 445-440 (February 24, 1993)	Move to Admit (AGREED)
HP Ex. 189 (184)	Curatorship: <i>First Heights Bank v. Martin</i> Case No. 440-992 (March 2, 1993)	Move to Admit (AGREED)
HP Ex. 189 (185)	Curatorship: <i>Associates Financial Services of America, Inc. v. Pritchett</i> Case No. 446-138 (April 2, 1993)	Move to Admit (AGREED)
HP Ex. 189 (186)	Curatorship: <i>Mortgage Properties Corp. v. Rheiner</i> Case No. 446-694 (April 2, 1993)	Move to Admit (AGREED)
HP Ex. 189 (187)	Curatorship: <i>The U.S. Secretary of Veterans Affairs v. Melton</i> Case No. 447-979 (April 27, 1993)	Move to Admit (AGREED)
HP Ex. 189 (188)	Curatorship: <i>Colonial Mortgage Co. v. Accardo</i> Case No. 448-059 (April 28, 1993)	Move to Admit (AGREED)
HP Ex. 189 (189)	Curatorship: <i>Nat'l Mortgage Co. v. Gomez</i> Case No. 449-463 (June 2, 1993)	Move to Admit (AGREED)
HP Ex. 189 (190)	Curatorship: <i>Charles F. Curry Co. v. Smith</i> Case No. 449-927 (June 11, 1993)	Move to Admit (AGREED)
HP Ex. 189 (192)	Curatorship: <i>Wachovia Mortgage Co. v. Ware</i> Case No. 451-584 (July 19, 1993)	Move to Admit (AGREED)
HP Ex. 189 (193)	Curatorship: <i>Mortgage Properties Corp. v. Krause</i> Case No. 451-772 (July 23, 1993)	Move to Admit (AGREED)
HP Ex. 189 (194)	Curatorship: <i>City of Kenner v. Rodzen</i> Case No. 452-302 (August 4, 1993)	Move to Admit (AGREED)
HP Ex. 189 (195)	Curatorship: <i>Leader Federal Bank for Savings v. Salmeron</i> Case No. 452-464 (August 9, 1993)	Move to Admit (AGREED)
HP Ex. 189 (196)	Curatorship: <i>STM Mortgage Co. v. Nicholson, et al.</i> Case No. 452-466 (August 9, 1993)	Move to Admit (AGREED)
HP Ex. 189 (197)	Curatorship: <i>Nat'l Mortgage Co. v. Bland</i> Case No. 452-817 (August 17, 1993)	Move to Admit (AGREED)
HP Ex. 189 (198)	Curatorship: <i>First Nat'l Bank of Chicago v. Castro</i> Case No. 453-498 (September 1, 1993)	Move to Admit (AGREED)
HP Ex. 189 (199)	Curatorship: <i>Standard Mortgage Corp. v. Bethay</i> Case No. 453-829 (September 9, 1993)	Move to Admit (AGREED)
HP Ex. 189 (200)	Curatorship: <i>Fed. Home Loan Mortgage v. Estate of Wooley</i> Case No. 454-538 (September 27, 1993)	Move to Admit (AGREED)
HP Ex. 189 (201)	Curatorship: <i>Succession of Rome</i> Case No. 455-809 (October 28, 1993)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (202)	Curatorship: <i>Leader Federal Bank for Savings v. Pettit</i> Case No. 455-985 (November 2, 1993)	Move to Admit (AGREED)
HP Ex. 189 (203)	Curatorship: <i>Standard Mortgage Corp. v. Miles</i> Case No. 456-087 (November 14, 1993)	Move to Admit (AGREED)
HP Ex. 189 (204)	Curatorship: <i>Security Nat'l Partners v. Klein</i> Case No. 456-393 (November 12, 1993)	Move to Admit (AGREED)
HP Ex. 189 (205)	Curatorship: <i>Leader Federal Bank for Savings v. Cespedes</i> Case No. 457-499 (December 10, 1993)	Move to Admit (AGREED)
HP Ex. 189 (206)	Curatorship: <i>First Nat'l Bank of Commerce v. Howell</i> Case No. 458-197 (December 30, 1993)	Move to Admit (AGREED)
HP Ex. 189 (207)	Curatorship: <i>General Motors Acceptance Corp. v. Ruiz</i> Case No. 458-399 (January 6, 1994)	Move to Admit (AGREED)
HP Ex. 189 (208)	Curatorship: <i>Leader Federal Bank for Savings v. Ducote</i> Case No. 459-447 (February 1, 1994)	Move to Admit (AGREED)
HP Ex. 189 (209)	Curatorship: <i>Crye- Leike Mortgage Co., Inc. v. Wafford</i> Case No. 459-877 (February 10, 1994)	Move to Admit (AGREED)
HP Ex. 189 (210)	Curatorship: <i>Hibernia Nat'l Bank v. Wiltz</i> Case No. 460-306 (February 23, 1994)	Move to Admit (AGREED)
HP Ex. 189 (211)	Curatorship: <i>Fleet Mortgage Corp. v. Do</i> Case No. 460-809 (March 7, 1994)	Move to Admit (AGREED)
HP Ex. 189 (212)	Curatorship: <i>Toyota Motor Credit Corp. v. Adams</i> Case No. 460-829 (March 8, 1994)	Move to Admit (AGREED)
HP Ex. 189 (213)	Curatorship: <i>Nat'l Mortgage Co. v. Dauphin</i> Case No. 460-987 (March 11, 1994)	Move to Admit (AGREED)
HP Ex. 189 (214)	Curatorship: <i>Bancboston Mortgage Corp. v. Rechten</i> Case No. 461-887 (March 31, 1994)	Move to Admit (AGREED)
HP Ex. 189 (215)	Curatorship: <i>Hibernia Nat'l Bank v. Warmington</i> Case No. 464-107 (March 26, 1994)	Move to Admit (AGREED)
HP Ex. 189 (216)	Curatorship: <i>Federal Nat'l Mortgage Ass'n v. Dabon</i> Case No. 464-338 (June 2, 1994)	Move to Admit (AGREED)
HP Ex. 189 (217)	Curatorship: <i>GE Capital Asset Management Corp. v. Moses</i> Case No. 465-007 (June 17, 1994)	Move to Admit (AGREED)
HP Ex. 189 (218)	Curatorship: <i>In re: Interdiction of Driver</i> Case No. 465-042 (June 20, 1994)	Move to Admit (AGREED)
HP Ex. 189 (219)	Curatorship: <i>Fleet Mortgage Corp. v. Singleton</i> Case No. 465-086 (June 17, 1994)	Move to Admit (AGREED)
HP Ex. 189 (220)	Curatorship: <i>The U.S. Secretary of Veteran's Affairs v. Johns</i> Case No. 465-427 (June 28, 1994)	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 189 (221)	Curatorship: <i>United States of America v. Vincent</i> Case No. 465-445 (June 28, 1994)	Move to Admit (AGREED)
HP Ex. 189 (222)	Curatorship: <i>Federal Home Loan Mortgage Corp. v. Cox</i> Case No. 465-902 (July 11, 1994)	Move to Admit (AGREED)
HP Ex. 189 (223)	Curatorship: <i>Midfirst Bank v. Alvarez</i> Case No. 466-292 (July 18, 1994)	Move to Admit (AGREED)
HP Ex. 189 (224)	Curatorship: <i>Daigle v. Estate of Chauvin</i> Case No. 466-832 (August 1, 1994)	Move to Admit (AGREED)
HP Ex. 189 (225)	Curatorship: <i>Fed. Home Loan Mortgage Corp. v. Weiselogel</i> Case No. 467-141 (August 8, 1994)	Move to Admit (AGREED)
HP Ex. 189 (226)	Curatorship: <i>Nat'l Mortgage Co. v. Ferrara</i> Case No. 467-516 (August 17, 1994)	Move to Admit (AGREED)
HP Ex. 296	Letter from S.J. Beaulieu, Jr. to Claude C. Lightfoot, enclosing correspondence from William E. Heitkamp August 4, 2003	Move to Admit (AGREED)
HP Ex. 298	Letter from Michael F. Adoue, staff attorney for S.J. Beaulieu, Jr., to FBI Agent Wayne Horner Re: G. Thomas Porteous, Jr., Case No. 01-12363 April 1, 2004	Move to Admit (AGREED)
HP Ex. 299	Letter from Noel Hillman, Chief, Public Integrity Section, Department of Justice, to S.J. Beaulieu, Jr. April 13, 2004	Move to Admit (AGREED)
HP Ex. 342	Lightfoot Affidavit in Support of Attorney's Fees	Move to Admit (AGREED)
HP Ex. 344	2001 Instructions for Completing Bankruptcy Official Form 1, Voluntary Petition	Move to Admit (AGREED)
HP Ex. 345	2001 Instructions for Completing Bankruptcy Schedules	Move to Admit (AGREED)
HP Ex. 346	2001 Instructions for Completing Bankruptcy Statement of Financial	Move to Admit (AGREED)
HP Ex. 372 (a)	Beef Connection Bill and Lori Marcotte Credit Card Record August 6, 1997	Move to Admit (AGREED)
HP Ex. 372 (c)	Beef Connection Bill and Lori Marcotte Credit Card Record November 19, 1997	Move to Admit (AGREED)
HP Ex. 373 (c)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record February 1, 2000	Move to Admit (AGREED)
HP Ex. 373 (d)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record November 7, 2000	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 439 (a)	Senate Judiciary File: Letter from William E. Willis, Chair of the American Bar Association Standing Committee on Federal Judiciary, to Senator Biden Re: Judge Porteous's qualifications for appointment to the federal bench August 30, 1994	Move to Admit (AGREED)
HP Ex. 439 (b)	Senate Judiciary File: Judge G. Thomas Porteous, Jr. – Biography Senate Nominations Hearing October 6, 1994	Move to Admit (AGREED)
HP Ex. 439 (c)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Blue Slips from Senator Breaux and Senator Johnston	Move to Admit (AGREED)
HP Ex. 439 (d)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Dates of Materials Received Re: Senate Confirmation	Move to Admit (AGREED)
HP Ex. 439 (e)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Nomination Hearing Transcript October 6, 1994	Move to Admit (AGREED)
HP Ex. 439 (f)	Senate Judiciary File: White House Nomination of Judge G. Thomas Porteous Jr. to be a United States District Judge for the Eastern District of Louisiana August 25, 1994	Move to Admit (AGREED)
HP Ex. 439 (g)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Public) September 6, 1994	Move to Admit (AGREED)
HP Ex. 439 (h)	Senate Judiciary File: United States Senate Committee on the Judiciary Judge G. Thomas Porteous Jr. Questionnaire for Judicial Nominees (Committee Confidential) and Financial Disclosure Form September 6, 1994	Move to Admit (AGREED)
HP Ex. 439 (i)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court cases	Move to Admit (AGREED)
HP Ex. 439 (j)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court opinions	Move to Admit (AGREED)
HP Ex. 439 (k)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – reversals of state court opinions	Move to Admit (AGREED)
HP Ex. 439 (l)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – additional decisions requested	Move to Admit (AGREED)
HP Ex. 439 (m)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – news articles	Move to Admit (AGREED)

Trial Exhibit No.	Description	Status
HP Ex. 439 (n)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 15, 1994	Move to Admit (AGREED)
HP Ex. 439 (o)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials September 29, 1994	Move to Admit (AGREED)
HP Ex. 439 (p)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. Staff Memorandum (Committee Confidential) 1994	Move to Admit (AGREED)
HP Ex. 445	Senate Impeachment Trial Committee Deposition of Robert Creely August 2, 2010	Move to Admit (AGREED)
Porteous Exhibit 1007	List of 24 th JDC Judges	Move to Admit (AGREED)
Porteous Exhibit 1104	<i>Good Faith: A Roundtable Discussion</i> , 1 Am. Bankr. Inst. L. Rev. 11 (1993).	Move to Admit (AGREED)
Porteous Exhibit 2007	Guidry 302	Move to Admit (AGREED)



Daniel C. Schwartz
 Direct: 202-508-6025
 dcschwartz@bryancave.com

September 28, 2010

VIA EMAIL

The Honorable Claire McCaskill, Chair
 The Honorable Orrin G. Hatch, Vice Chair
 Senate Impeachment Trial Committee
 United States Senate
 Russell Senate Office Building, Room B-34A
 Washington, D.C. 20002

Re: *Impeachment of Judge G. Thomas Porteous, Jr.*

Dear Senator McCaskill and Senator Hatch:

This letter responds to House Impeachment Counsel's letter dated September 28, 2010, arguing that they should be allowed to introduce voluminous exhibits into the Senate Impeachment Trial Committee's (the "Committee") record long after the close of the trial. After House Impeachment Counsel repeatedly failed to address this issue in a timely fashion during the trial, they and Defense Counsel have exchanged numerous correspondence regarding potential exhibits the House wishes to introduce at this late date. The Senate Committee Staff also held a further meeting with all counsel on this subject yesterday. At that time, House Impeachment Counsel requested permission to submit a letter to the Committee concerning the narrow issue of Jacob Amato's Calendars and Credit Card Records. There was no indication that the House intended, or would be allowed to, re-hash all of its arguments concerning the disputed proposed exhibits that the House failed to introduce at trial. The House having done just that, however, Judge Porteous is compelled to submit the following response.

To start, Judge Porteous acknowledges the House's withdrawal of its request to admit the following irrelevant, unnecessary, and/or prejudicial proposed House Exhibits: 13, 21(a), 34, 44, 88(a), 88(b), 88(c), 88(i), 91(a), 91(b), 327, 328, 348, 349, 437, 438, 449, and 450.

With regard to the House's remaining requests to admit additional exhibits, Judge Porteous responds as follows:

Fifth Circuit and House Testimony

As discussed with the Committee Staff yesterday, the defense strongly disagrees with the House's assertion that the Committee has already made the decision to

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admit the testimony from the Fifth Circuit and House proceedings into the record. As reflected in the Committee's Disposition, dated August 25, 2010, the House simply requested that "the complete evidentiary hearings of the Fifth Circuit judicial disciplinary proceedings and the House Impeachment task Force hearings, as well as all related documentary evidence admitted into the record of those proceedings, be deemed admissible." The Committee's determination of the admissibility of these records did not dictate whether any portion of that material would ultimately be admitted into the record. The Committee reserved ruling on that later question until the evidentiary hearing – and it is on this basis that Judge Porteous prepared (and the House Managers should have prepared) for trial. Moving the admission of individual exhibits, allowing for objections, and ruling on admission of specific exhibits at the trial, enabled both sides, and the Senators, an opportunity to evaluate the admitted evidence in the context of the testimony and allowed each side to question or cross examine the relevant witnesses about each such exhibit.

Allowing the House to admit literally reams of prior testimony from the Fifth Circuit proceedings and the House Impeachment Task Force Hearings would significantly, unnecessarily, and unfairly prejudice Judge Porteous. First, much of the prior Fifth Circuit and House testimony is duplicative and cumulative. Nearly **every witness** for whom the House now seeks to admit prior testimony **already testified before the Committee**.¹ Thus, it is clear that the House's argument that the House relied on the belief that all previous Fifth Circuit and House testimony would be admitted is baseless. The House would not have felt the need to call each and every witness again, and subject those same individuals to cross-examination, if they truly believed that all of the previous testimony would necessarily be admitted. Having called them, the House could have and should have elicited whatever testimony it found relevant from those witnesses while they were on the stand, testifying before the Committee – when the defense and the Senators could have cross examined and questioned those witnesses as to all of their admitted testimony. Moreover, if it felt the witnesses' testimony was not clear or insufficiently supportive of the House's view of the evidence, and needed bolstering, the House should have sought the admission of certain prior testimony during the evidentiary hearings, so that the Committee could consider arguments for and against such a request. If that testimony was admitted, the defense would have had an opportunity to cross examine on that additional testimony, a right lost to the defense if this testimony is now admitted, after trial, on a wholesale basis. Allowing the admission of the prior Fifth Circuit and House testimony now will facilitate and encourage improper "cherry-picking" of favorable testimony that will not aid the Senate in its deliberations.

¹ The only witnesses who testified before the Fifth Circuit or the House, but not the Committee, are William Heitkamp (Chapter 13 Trustee in the Southern District of Texas), Gerald Fink (FBI Financial Analyst), and William Greendyke (the bankruptcy judge who presided over the Porteouses' bankruptcy case). The House had ample opportunity to call each of these witnesses to testify before the Committee. In fact, the House had subpoenaed Mr. Greendyke to testify and then did not call him. Thus, the House specifically elected not to rely on these witnesses' testimony, presumably because they are minor witnesses, whose testimony the House determined was not sufficiently probative to warrant their calling before the Committee.

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Although there is good reason to omit all testimony related to the Fifth Circuit and House proceedings, if the Committee is disinclined to do so, Judge Porteous suggests that the Committee adopt an alternative approach. Both parties should be required to designate those specific portions of the transcripts that they seek to have admitted, with the express understanding that only that testimony that addresses subjects which were expressly and substantively discussed during the Committee's evidentiary hearings should be admitted. Such a resolution would guard against the admission of topics and facts substantively ignored during the Senate proceedings and, therefore, not subject to cross examination or Senators' questioning. This procedure would align with the Committee's previous disposition on these issues, which stated that the goal of the admission of such materials would be to "aid in the deliberations by the full Senate as it weighs the relevance and probative value of the evidence." If previous testimony that was not raised in the Senate proceedings is admitted, Judge Porteous will be deprived of a critical due process right – cross-examination of the evidence submitted against him.²

Thus, if, during the House proceedings, a witness discussed allegations of misconduct by Judge Porteous and those same allegations were not raised in the direct examination of the same witness during the Committee's evidentiary hearings or in the parties' stipulations, then the House should be barred from relying on such previous testimony in arguing its case. If, on the other hand, a witness testified substantively about a topic in both the House and Senate proceedings, the parties could so designate those portions of the House transcripts they seek to be admitted.

There is precedent for just this sort of selected admittance of transcripts excerpts. In its disposition, the Committee noted that "the Claiborne Committee admitted select transcripts from Judge Claiborne's second criminal trial."

Demonstratives

Judge Porteous does not object to the inclusion of the demonstratives used by the parties during the evidentiary hearings so long as (1) those demonstratives are placed into a separate section or appendix to the Committee report, which notes that such demonstratives are not substantive evidence, and (2) the demonstratives that Judge Porteous utilized at the evidentiary hearings are also included in that section or appendix.

² The level of cross examination done by the defense in the Fifth Circuit and the House proceedings was an inadequate substitute for cross examination at trial. In the Fifth Circuit, Judge Porteous was required to appear without counsel. The House proceedings were conducted in the form of a "grand jury," at which Judge Porteous's counsel was allowed only a limited right to cross examine witnesses. That right of cross-examination was significantly less robust than that afforded at trial.

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Jacob Amato's Calendars and Credit Card Records

Judge Porteous opposes the admission into the record of House Exhibits 21(b) and 283 because Jacob Amato himself questioned the legitimacy and accuracy of the calendar pages contained in those documents during his testimony before the Committee. When shown what the House Managers represented to be a page of Mr. Amato's June 1999 calendar, Mr. Amato testified, "I think it was miscopied someplace along the way. I think that's part May and part June, the calendar." (Senate Tr. Vol. I at 139:12-17.) When pressed by the House, Mr. Amato reiterated that the calendar was "miscopied" (Senate Tr. Vol. I at 140:12-14) and that he did not "know if it [the fishing trip] was in May or June." (Senate Tr. Vol. I at 15-22.) Given this critical discrepancy, and Mr. Amato's statement that the calendar pages at issue were "miscopied," Judge Porteous objects to the introduction of this unreliable and suspect material.

House Impeachment Counsel's attempt to resolve this "confusion" and rehabilitate its defective exhibits by relying on prior testimony is inappropriate and unavailing. That prior testimony cannot change the fact that Mr. Amato has now questioned in sworn testimony the legitimacy and accuracy of the copies of his calendars that the House is seeking to admit into the Senate record.

With regard to House Exhibit 21(c), Judge Porteous objects to the introduction of this miscellaneous set of credit card records because it does not prove anything related to Judge Porteous – Mr. Amato testified that he took many lawyers and judges out for meals and there is no way to tie these credit card charges to any specific meal with Judge Porteous – and is therefore irrelevant. The House Managers have failed to establish any foundation for admission of this exhibit into the record. Had the House sought to admit this exhibit during Mr. Amato's testimony, the defense would have had an opportunity to object and/or cross-examine the witness concerning the constituent documents. As it is, having waited until after the conclusion of the trial to seek to admit this document, the House has deprived Judge Porteous of this key due process right. The Committee should not countenance such inequity.

Green Pleadings

In its letter, the House reiterates its request to admit House Exhibits 93(a) (the Indictment against Judge Alan Green) and 93(b) (the five page judgment against Green.) Unsatisfied with the arguments that they set forth in yesterday's meeting, the House has submitted four arguments in its letter that the House believes bolsters its case for admission of the exhibits. None of these arguments explain why facts related to Green were not made part of the House's case at trial, why they did not call Green as a witness, why they did not elicit testimony related to his conduct, and why they failed to attempt to introduce these exhibits during the evidentiary hearings. Instead, the House simply submits a relevance argument that attempts to connect Green to Porteous, drawing parallels that are not supported by the record or any testimony. These arguments evidence the House's overall intent – to use evidence not elicited or discussed at trial (and therefore not subject to cross-examination) in its argument for conviction. If such admission is allowed, it would weaken substantially the purpose and integrity of the evidentiary hearings.

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Moreover, the House's four arguments are unavailing.

First, the House suggests that Green's conviction corroborates Lori Marcotte's testimony that Judge Porteous helped the Marcottes form a relationship with Green. Judge Porteous is not mentioned by name or by reference in the indictment or judgment against Green. (House Ex. 93(a) and 93(b).) Judge Porteous is not listed as a co-conspirator in that indictment and the lunches that Green is alleged to have attended with the Marcottes are not the same ones Judge Porteous is alleged to have attended while on the federal bench. The House did not even raise Judge Green's name in their direct examination of Ms. Marcotte at the evidentiary hearings and Green's name was raised only tangentially – at one point by expert Professor Dane Ciolino, who stated "Judge Green wasn't convicted of a count involving the Marcottes, I believe." (Senate Tr. Vol. IV at 1672.)

Second, the House argues that the Green exhibits demonstrate the damage resulting from Judge Porteous vouching for the Marcottes. Yet, House Exhibits 93(a) and 93(b) do not discuss any vouching by Judge Porteous – or even reference Judge Porteous himself. No evidence was adduced, or even discussed, during the evidentiary hearings regarding Judge Porteous vouching for the Marcottes in relation to Judge Green.

The House's third argument – that Judge Porteous's continued presence on the federal bench would be injurious because other state judges who engaged in corrupt relationships with the Marcottes have gone to jail – assumes far too much and is non-sensical. First, it assumes all of the House's allegations against Judge Porteous are true. Second, it ignores the fact that Bodenheimer and Green were accused of crimes far greater than that being alleged against Porteous. Bodenheimer engaged in a scheme to plant evidence on an individual. The House has not alleged an offense by Judge Porteous even remotely close to such a crime. Green was caught on tape improperly taking cash from the Marcottes. In contrast, both of the Marcottes have expressly denied ever giving cash to Judge Porteous. Moreover, Green was convicted of mail fraud and nothing more. The House's allegations against Judge Porteous bear no resemblance to mail fraud. Lastly, the House's argument is entirely circular – "we need evidence related to Green's conviction to prove that Porteous is guilty because Green was guilty and therefore Porteous must be guilty." As a result, any evidence taken out of House Exhibits 93(a) and 93(b) would necessarily be based on supposition and leaps in logic, not supported by the evidence before the Senate.

Finally, the House's fourth argument states that Green's conviction involved his taking the same sorts of judicial acts for the Marcottes in terms of setting bonds as those alleged against Judge Porteous. This is, on its face, false. House Exhibit 93(b) evidences only that Green was convicted of mail fraud. The mail fraud count of the indictment discusses mailings Green initiated, including two \$5,000 checks to Bail Bonds Unlimited. Judge Porteous is not alleged to have engaged in mail fraud or to have ever sent or received checks to or from Bail Bonds Unlimited and the Marcottes. Paragraphs four and five of the indictment, referenced in the House letter, relate to

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bond splitting and suggest that the splitting of a bond is inherently improper and illegal. Evidence adduced during the Committee's evidentiary hearings has shown that not only is bond splitting legal, but it also was a widely accepted and proper practice in Gretna, Louisiana while Judge Porteous was a state judge.

Accordingly, Judge Porteous strongly objects to the admittance of these exhibits.

We appreciate your attention to this matter and look forward to the Committee's fair resolution of these issues.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Daniel C. Schwartz", followed by a stylized flourish.

Daniel C. Schwartz

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United States Senate

SENATE IMPEACHMENT
 TRIAL COMMITTEE

WASHINGTON, DC 20510-6326

ORDER ON ADMITTED EXHIBITS

The Committee held an evidentiary hearing on September 13, 14, 15, 16 and 21. In order to streamline the hearing, the parties were instructed to submit a final list of exhibits that each party sought to admit into evidence, consistent with prior evidentiary rulings of the Committee. Each party was given the opportunity to object to the admission of any exhibit submitted by the opposing party.

The Committee hereby admits the following exhibits into evidence. This final exhibit list encompasses all evidence admitted by the Committee, whether admitted during the hearing or through this Order.

Dated: November 4, 2010



CLAIRE MCCASKILL
 Chairman



ORRIN G. HATCH
 Vice Chairman

Final Admitted Evidence List

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
1		House Resolution 15	Post-Hearing; Agreed to by Parties	Admitted.
2		House Committee Resolution (Jan. 22)	Post-Hearing; Agreed to by Parties	Admitted.
3		House Committee Resolution (May 12)	Post-Hearing; Agreed to by Parties	Admitted.
4		DOJ Letter to 5th Cir.	Evidentiary Hearing	Admitted.
5		5th Cir. Report	Evidentiary Hearing	Admitted.
6	(a)	5th Cir. Order and Certification	Post-Hearing; Agreed to by Parties	Admitted.
6	(b)	5th Cir. Dissent	Evidentiary Hearing	Admitted.
6	(c)	Porteous Reply Memo	Post-Hearing; Agreed to by Parties	Admitted.
7	(a)	Duff Letter	Post-Hearing; Agreed to by Parties	Admitted.
7	(b)	Cert. to Speaker	Post-Hearing; Agreed to by Parties	Admitted.
7	(c)	Judicial Conf. Report and Recommendations	Post-Hearing; Agreed to by Parties	Admitted.
8		5th Cir. Order and Reprimand	Post-Hearing; Agreed to by Parties	Admitted.
9	(a)	Pres. Clinton's Nomination of Porteous	Post-Hearing; Agreed to by Parties	Admitted.
9	(b)	Senate Confirmation Hearings Excerpts	Post-Hearing; Agreed to by Parties	Admitted.
9	(c)	Cong. Rec. of Porteous Confirmation	Post-Hearing; Agreed to by Parties	Admitted.
9	(d)	Porteous Nomination Affidavit	Post-Hearing; Agreed to by Parties	Admitted.
9	(e)	Porteous Resignation Letter to State Court	Post-Hearing; Agreed to by Parties	Admitted.
9	(f)	Porteous Senate Questionnaire	Post-Hearing; Agreed to by Parties	Admitted.
10		Porteous 5th Cir. Testimony	Post-Hearing; Agreed to by Parties	Admitted.
12		Robert Creely Fifth Circuit Testimony October 29, 2007	Post-Hearing; Admission Disputed by Parties	Admitted.
17		5th Cir. Compulsion and Immunity Order for Porteous	Post-Hearing; Agreed to by Parties	Admitted.
20		Jacob Amato, Jr. Fifth Circuit Testimony October 29, 2007	Post-Hearing; Admission Disputed by Parties	Admitted.
21	(b)	Jacob Amato, Jr. Calendars 1999 – 2001	Post-Hearing; Admission Disputed by Parties	Admitted.
21	(c)	Jacob Amato, Jr. Credit Card Records	Post-Hearing; Admission Disputed by Parties	Admitted.
32		Don Gardner Fifth Circuit Testimony October 29, 2007	Post-Hearing; Admission Disputed by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
35	(b)	Gardner Retainer Agreement	Evidentiary Hearing	Admitted.
43		Rhonda Danos Fifth Circuit Testimony October 29, 2007	Post-Hearing; Admission Disputed by Parties	Admitted.
48		FBI Surveillance video (March 11, 2002)	Post-Hearing; Agreed to by Parties	Admitted.
50		PACER Docket Report of <u>Liljeberg</u>	Post-Hearing; Agreed to by Parties	Admitted.
51	(a)	<u>Liljeberg</u> : Motion to Substitute Counsel	Post-Hearing; Agreed to by Parties	Admitted.
51	(b)	<u>Liljeberg</u> : Order Granting Motion to Substitute Counsel	Post-Hearing; Agreed to by Parties	Admitted.
52		<u>Liljeberg</u> : Motion to Recuse	Post-Hearing; Agreed to by Parties	Admitted.
53		<u>Liljeberg</u> : Opposition to Motion to Recuse	Post-Hearing; Agreed to by Parties	Admitted.
54		<u>Liljeberg</u> : Motion to Leave to File Reply with Memo.	Post-Hearing; Agreed to by Parties	Admitted.
55		<u>Liljeberg</u> : Response to Motion to Leave to File Reply with Memo.	Post-Hearing; Agreed to by Parties	Admitted.
56		Lifemark Recusal Hearing Transcript	Evidentiary Hearing	Admitted.
57		<u>Liljeberg</u> : Judgment on Motion to Recuse (Denied)	Post-Hearing; Agreed to by Parties	Admitted.
58		<u>Liljeberg</u> : Lifemark's Recusal Motion Appeal to 5th Cir.	Post-Hearing; Agreed to by Parties	Admitted.
59		<u>Liljeberg</u> : Order Denying Lifemark's Recusal Motion Appeal to 5th Cir.	Post-Hearing; Agreed to by Parties	Admitted.
60	(a)	<u>Liljeberg</u> : Motion to Substitute Counsel	Post-Hearing; Agreed to by Parties	Admitted.
60	(b)	<u>Liljeberg</u> : Order Granting Motion to Substitute Counsel	Post-Hearing; Agreed to by Parties	Admitted.
61		<u>Liljeberg</u> : Transcript Trial Excerpts	Post-Hearing; Agreed to by Parties	Admitted.
62		<u>Liljeberg</u> : Opinion	Post-Hearing; Agreed to by Parties	Admitted.
63		Lifemark Appellate opinion	Evidentiary Hearing	Admitted.
65		Joseph Mole Fifth Circuit Testimony October 29, 2007	Post-Hearing; Admission Disputed by Parties	Admitted.
67		Cover Emails and Pres. Records re: Porteous	Post-Hearing; Agreed to by Parties	Admitted.
69	(a)	DOJ Production 6/18/09	Post-Hearing; Agreed to by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
69	(b) (entire document)	FBI Background Check of Judge Porteous DOJ Production Two June 25, 2009	Post-Hearing; Admission Disputed by Parties	Admitted, but will only be made available to the full Senate.
69	(b): PORT297-301	Attachments to 69(i)	Evidentiary Hearing	Admitted.
69	(b): PORT491	2nd Hamil 302	Evidentiary Hearing	Admitted.
69	(b): PORT492-494	3rd Hamil 302	Evidentiary Hearing	Admitted.
69	(d): PORT594-597	MCC Report	Evidentiary Hearing	Admitted.
69	(d): PORT610-629	Wallace Hearing Transcripts	Evidentiary Hearing; Agreed to by Parties	Admitted.
69	(d): PORT672	Section 881	Evidentiary Hearing	Admitted.
69	(d): PORT673-677	Sections 881 (continued from PORT672) and 883	Post-Hearing; Admission Disputed by Parties	Admitted.
69	(i)	1st Hamil 302	Evidentiary Hearing	Admitted.
69	(j)	FBI Interview of Porteous (unredacted)	Post-Hearing; Agreed to by Parties	Admitted.
69	(k)	FBI Interview of Porteous (unredacted)	Post-Hearing; Agreed to by Parties	Admitted.
70		<u>US v. Marcottes</u> : PACER Docket Report	Post-Hearing; Agreed to by Parties	Admitted.
71	(a)	Louis Marcotte Plea	Evidentiary Hearing	Admitted.
71	(b)	<u>US v. Marcottes</u> : Louis Marcotte Plea Agreement	Post-Hearing; Agreed to by Parties	Admitted.
71	(c)	<u>US v. Marcottes</u> : Louis Marcotte Plea Agreement Addendum	Post-Hearing; Agreed to by Parties	Admitted.
71	(d)	<u>US v. Marcottes</u> : Louis Marcotte Plea Agreement Factual Basis	Post-Hearing; Agreed to by Parties	Admitted.
71	(e)	Marcotte Imprisonment Document	Evidentiary Hearing	Admitted.
71	(f)	<u>US v. Marcottes</u> : Unsealed Pleadings	Post-Hearing; Agreed to by Parties	Admitted.
73	(a)	<u>US v. Marcottes</u> : Lori Marcotte Plea Agreement	Post-Hearing; Agreed to by Parties	Admitted.
73	(b)	<u>US v. Marcottes</u> : Lori Marcotte Plea Agreement Addendum	Post-Hearing; Agreed to by Parties	Admitted.
73	(c)	<u>US v. Marcottes</u> : Lori Marcotte Plea Agreement Factual Basis	Post-Hearing; Agreed to by Parties	Admitted.
73	(d)	<u>US v. Marcottes</u> : Lori Marcotte Judgment	Post-Hearing; Agreed to by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
77	(a)	Duhon expungement records	Evidentiary Hearing	Admitted.
77	(b)	Duhon expungement records	Evidentiary Hearing	Admitted.
77	(c)	Duhon expungement records	Evidentiary Hearing	Admitted.
81		Wallace Drug Possession File	Evidentiary Hearing	Admitted.
82		Wallace Burglary File	Evidentiary Hearing	Admitted.
88	(d)	Bodenheimer Criminal Complaint	Evidentiary Hearing	Admitted.
88	(e)	<u>US v. Bodenheimer</u> : Plea Agreement	Post-Hearing; Agreed to by Parties	Admitted.
88	(f)	<u>US v. Bodenheimer</u> : Plea Agreement Factual Basis	Post-Hearing; Agreed to by Parties	Admitted.
88	(g)	<u>US v. Bodenheimer</u> : Plea Agreement Factual Basis Supplement	Post-Hearing; Agreed to by Parties	Admitted.
88	(h)	<u>US v. Bodenheimer</u> : Judgment and Probation	Post-Hearing; Agreed to by Parties	Admitted.
90	(a)	Prof. Bail Agents Conf. 1996	Post-Hearing; Agreed to by Parties	Admitted.
90	(b)	Prof. Bail Agents Conf. 1999	Post-Hearing; Agreed to by Parties	Admitted.
102	(a)	Judge Porteous Financial Disclosure Report Date of Report: 05/12/1997 Reporting Period: 01/01/1996 – 12/31/1996	Post-Hearing; Admission Disputed by Parties	Admitted.
102	(b)	1996 Financial Disclosure Instructions	Post-Hearing; Admission Disputed by Parties	Admitted.
103	(a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1998 Reporting Period: 01/01/1997 – 12/31/1997	Post-Hearing; Admission Disputed by Parties	Admitted.
103	(b)	1997 Financial Disclosure Instructions	Post-Hearing; Admission Disputed by Parties	Admitted.
104	(a)	Judge Porteous Financial Disclosure Report Date of Report: 05/13/1999 Reporting Period: 01/01/1998 – 12/31/1998	Post-Hearing; Admission Disputed by Parties	Admitted.
104	(b)	1998 Financial Disclosure Instructions	Post-Hearing; Admission Disputed by Parties	Admitted.
105	(a)	Judge Porteous Financial Disclosure Form Date of Report: 05/05/2000 Reporting Period: 01/01/1999 – 12/31/1999	Post-Hearing; Admission Disputed by Parties	Admitted.
105	(b)	1999 Financial Disclosure Instructions	Post-Hearing; Admission Disputed by Parties	Admitted.
119	(a)	News Article	Evidentiary Hearing	Admitted.
119	(z)	News Article	Evidentiary Hearing	Admitted.
122	(b)	Lightfoot crime Fraud Ruling	Post-Hearing; Agreed to by Parties	Admitted.
124		Lightfoot Fifth Circuit Testimony October 29, 2007	Post-Hearing; Admission Disputed by Parties	Admitted.
125		Porteous Bankruptcy Petition	Evidentiary Hearing	Admitted.
126		Porteous Bankruptcy Amended Petition	Evidentiary Hearing	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
127		Porteous Proposed Schedule Plan	Evidentiary Hearing	Admitted.
128		Porteous Bankruptcy Commencement Notice	Evidentiary Hearing	Admitted.
129		<u>Porteous Bankruptcy</u> : Memo to Record of Creditors Meeting	Post-Hearing; Agreed to by Parties	Admitted.
130		<u>Porteous Bankruptcy</u> : Creditors Meeting Transcript	Post-Hearing; Agreed to by Parties	Admitted.
131		<u>Porteous Bankruptcy</u> : Amended Schedule F and Modified Chapter 13 Plan	Post-Hearing; Agreed to by Parties	Admitted.
132		<u>Porteous Bankruptcy</u> : Amended Chapter 13 Plan	Post-Hearing; Agreed to by Parties	Admitted.
133		Porteous Bankruptcy Court Order Confirming Plan	Evidentiary Hearing	Admitted.
134		<u>Porteous Bankruptcy</u> : Trustee's Notice of Intention to Pay Claims	Post-Hearing; Agreed to by Parties	Admitted.
135		<u>Porteous Bankruptcy</u> : Trustee's Ex Parte Motion to Amend the Plan	Post-Hearing; Agreed to by Parties	Admitted.
136		<u>Porteous Bankruptcy</u> : Trustee's Final Report	Post-Hearing; Agreed to by Parties	Admitted.
137		<u>Porteous Bankruptcy</u> : Discharge of Debtor After Completion of Chapter 13 Plan	Post-Hearing; Agreed to by Parties	Admitted.
138	(a)	Lightfoot Handwritten Notes	Post-Hearing; Agreed to by Parties	Admitted.
138	(b)	Bankruptcy Worksheets	Post-Hearing; Agreed to by Parties	Admitted.
139		Cover Letter and Remainder of Lightfoot File	Post-Hearing; Agreed to by Parties	Admitted.
140		Fleet Credit Card Statements	Post-Hearing; Agreed to by Parties	Admitted.
141		Porteous Tax Return	Evidentiary Hearing	Admitted.
143		Fidelity Money Market Statements of Transaction Items	Post-Hearing; Agreed to by Parties	Admitted.
144		Porteous Bank One Records	Post-Hearing; Agreed to by Parties	Admitted.
145		Porteous PO Box Application	Evidentiary Hearing	Admitted.
146		Lightfoot Letter re: Proposal/Excluding Regions	Post-Hearing; Agreed to by Parties	Admitted.
148		Beaulieu Pamphlet	Evidentiary Hearing	Admitted.
149		Harrah's Casino Credit Application	Post-Hearing; Agreed to by Parties	Admitted.
167		Porteous Credit Card Statement for December 1996	Post-Hearing; Admission Disputed by Parties	Admitted.
168		Porteous Credit Card Statement for December 1997	Post-Hearing; Admission Disputed by Parties	Admitted.
169		Porteous Credit Card Statements for December 1998	Post-Hearing; Admission Disputed by Parties	Admitted.
170		Porteous Credit Card Statements for December 1999	Post-Hearing; Admission Disputed by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
188		Letter from Gegenheimer to Agent Horner	Post-Hearing; Agreed to by Parties	Admitted.
189	(1)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(2)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(3)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(5)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(6)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(8)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(10)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(11)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(12)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(13)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(14)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(16)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(17)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(18)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(19)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(20)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(22)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(23)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(24)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(25)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(27)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(28)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(29)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(31)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(32)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
189	(33)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(34)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(35)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(36)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(37)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(38)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(39)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(40)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(41)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(42)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(43)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(44)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(45)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(46)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(47)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(48)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(50)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(51)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(52)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(53)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(54)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(55)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(56)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(58)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(59)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(60)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
189	(61)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(62)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(63)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(64)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(65)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(67)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(68)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(69)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(71)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(72)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(73)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(74)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(75)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(76)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(78)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(79)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(80)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(81)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(82)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(84)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(85)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(87)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(88)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(91)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(92)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(93)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
189	(94)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(95)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(96)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(99)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(100)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(101)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(104)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(105)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(107)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(108)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(109)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(111)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(114)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(116)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(118)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(119)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(120)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(121)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(122)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(123)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(124)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(125)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(127)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(130)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(131)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(132)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
189	(133)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(134)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(135)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(136)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(137)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(138)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(139)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(140)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(141)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(142)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(143)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(144)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(145)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(146)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(147)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(148)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(150)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(151)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(152)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(153)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(154)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(155)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(156)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(157)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(158)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(159)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
189	(160)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(161)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(162)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(163)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(164)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(165)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(166)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(167)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(168)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(169)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(170)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(171)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(172)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(173)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(174)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(175)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(176)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(177)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(178)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(179)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(180)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(181)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(182)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(183)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(184)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(185)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
189	(186)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(187)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(188)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(189)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(190)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(192)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(193)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(194)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(195)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(196)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(197)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(198)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(199)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(200)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(201)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(202)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(203)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(204)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(205)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(206)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(207)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(208)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(209)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(210)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(211)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(212)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
189	(213)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(214)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(215)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(216)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(217)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(218)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(219)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(220)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(221)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(222)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(223)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(224)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(225)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
189	(226)	Curatorship	Post-Hearing; Agreed to by Parties	Admitted.
241		FBI Surveillance video	Evidentiary Hearing	Admitted.
245		Bodenheimer Factual Basis of Plea	Evidentiary Hearing	Admitted.
246		Wallace 9/21/94 Proceeding	Evidentiary Hearing	Admitted.
280		Louis Marcotte Affidavit	Evidentiary Hearing	Admitted.
283		Task Force Deposition Exhibit 83 Jacob Amato, Jr. Calendar June 1999	Post-Hearing; Admission Disputed by Parties	Admitted.
295		William E. Heitkamp Fifth Circuit Testimony October 30, 2007	Post-Hearing; Admission Disputed by Parties	Admitted.
296		Letter from S.J. Beaulieu, Jr. to Claude C. Lightfoot, enclosing correspondence from William E. Heitkamp	Post-Hearing; Agreed to by Parties	Admitted.
298		Letter from Michael F. Adoue, staff attorney for S.J. Beaulieu, Jr., to FBI Agent Wayne Horner	Post-Hearing; Agreed to by Parties	Admitted.
299		Letter from Noel Hillman, Chief, Public Integrity Section, Department of Justice, to S.J. Beaulieu, Jr.	Post-Hearing; Agreed to by Parties	Admitted.
301	(a)	Porteous Grand Casino Gulfport Patron Transaction Report (02/27/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
301	(b)	Porteous Bank One Statement (with copies of checks to Grand Casino) March 23, 2001 – April 23, 2001	Post-Hearing; Admission Disputed by Parties	Admitted.
302		Porteous Treasure Chest Customer Transaction Inquiry (03/02/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
303		Porteous Beau Rivage Credit History (one-time credit limit increase on 04/06/2001)	Post-Hearing; Admission Disputed by Parties	Admitted.
304		Porteous Beau Rivage Balance Activity (04/07/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
305		Porteous Treasure Chest Customer Transaction Inquiry (04/10/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
306		Porteous Harrah's Patron Credit Activity (04/30/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
307		Porteous Treasure Chest Customer Transaction Inquiry (05/07/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
308		Porteous Treasure Chest Customer Transaction Inquiry (05/16/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
309		Porteous Grand Casino Patron Transaction Report (05/26/2001 markers) and corresponding Bank One records	Post-Hearing; Admission Disputed by Parties	Admitted.
310		Porteous Treasure Chest Customer Transaction Inquiry (06/20/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
311		Porteous Treasure Chest Customer Transaction Inquiry (07/19/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
312		Porteous Treasure Chest Customer Transaction Inquiry (07/23/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
313	(a)	Porteous Treasure Chest Customer Transaction Inquiry (08/20/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
313	(b)	Porteous Treasure Chest IOU's and Hold Checks Ledger	Post-Hearing; Admission Disputed by Parties	Admitted.
314		Porteous Harrah's Patron Credit Activity (09/28/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
315		Porteous Treasure Chest Customer Transaction Inquiry (10/13/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
316		Porteous Treasure Chest Customer Transaction Inquiry (10/17/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
317		Porteous Beau Rivage Balance Activity (10/31/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
318		Porteous Treasure Chest Customer Transaction Inquiry (11/27/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
319		Porteous Treasure Chest Customer Transaction Inquiry (12/11/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
320		Porteous Harrah's Patron Credit Activity (12/20/2001 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
321		Porteous Grand Casino Patron Transaction Report (2/12/2002 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
322		Porteous Treasure Chest Customer Transaction Inquiry (04/01/2002 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
323		Porteous Grand Casino Patron Transaction Report (05/26/2002 markers)	Post-Hearing; Admission Disputed by Parties	Admitted.
324		Porteous Application for credit increase at Grand Casino Gulfport (from \$2,000 to \$2,500)	Post-Hearing; Admission Disputed by Parties	Admitted.
325		Porteous Grand Casino Patron Transaction Report (07/04/2002 markers) and corresponding Fidelity Money Market Account records	Post-Hearing; Admission Disputed by Parties	Admitted.
326		Central Credit, Inc. Gaming Report for Judge Porteous	Post-Hearing; Admission Disputed by Parties	Admitted.
329		Fleet credit card statement with accompanying check written by Rhonda Danos, paying off balance in March 2001.	Post-Hearing; Admission Disputed by Parties	Admitted.
330		Fleet payment stub and check written by Judge Porteous September 2, 2002	Post-Hearing; Admission Disputed by Parties	Admitted.
332		Gerald Dennis Fink Fifth Circuit Testimony October 29, 2007	Post-Hearing; Admission Disputed by Parties	Admitted.
335		Judge Greendyke Fifth Circuit Testimony October 29, 2007	Post-Hearing; Admission Disputed by Parties	Admitted.
337		Agent Horner's summary of gambling losses	Evidentiary Hearing	Admitted.
338		Dwayne Horner Fifth Circuit Testimony October 29, 2007	Post-Hearing; Admission Disputed by Parties	Admitted.
339		Beaulieu Letter to Lightfoot #1	Evidentiary Hearing	Admitted.
340		Beaulieu Letter to Lightfoot #2	Evidentiary Hearing	Admitted.
341	(a)	Capital One credit card application August 13, 2001	Post-Hearing; Admission Disputed by Parties	Admitted.
341	(b)	Porteous Capital One credit card statements	Post-Hearing; Admission Disputed by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
342		Lightfoot Affidavit in Support of Attorney's Fees	Post-Hearing; Agreed to by Parties	Admitted.
343		Porteous Asset and Liability Documents	Evidentiary Hearing	Admitted.
344		2001 Instructions for Completing Bankruptcy Official: Form 1, Voluntary Petition	Post-Hearing; Agreed to by Parties	Admitted.
345		2001 Instructions for Completing Bankruptcy Schedules	Post-Hearing; Agreed to by Parties	Admitted.
346		2001 Instructions for Completing Bankruptcy Statement of Financial Affairs	Post-Hearing; Agreed to by Parties	Admitted.
350	(1-56)	Bonds	Evidentiary Hearing	Admitted.
351	(1-26)	Bonds	Evidentiary Hearing	Admitted.
370	(a)	1999 PBUS Beau Rivage Convention Records related to Judge Porteous	Post-Hearing; Admission Disputed by Parties	Admitted.
370	(b)	1999 PBUS Beau Rivage Convention Records related to Rhonda Danos	Post-Hearing; Admission Disputed by Parties	Admitted.
371		Records related to 1996 and 1998 Marcotte-Danos Las Vegas Trips	Post-Hearing; Admission Disputed by Parties	Admitted.
372	(a)	Beef Connection Bill and Lori Marcotte Credit Card Record	Post-Hearing; Agreed to by Parties	Admitted.
372	(b)	Lunch Receipt	Evidentiary Hearing	Admitted.
372	(c)	Beef Connection Bill and Lori Marcotte Credit Card Record	Post-Hearing; Agreed to by Parties	Admitted.
372	(d)	Lunch Receipt	Evidentiary Hearing	Admitted.
373	(a)	Lunch Receipt	Evidentiary Hearing	Admitted.
373	(c)	BBU Calendar, Beef Connection Bill and Lori Marcotte Credit Card Record	Post-Hearing; Agreed to by Parties	Admitted.
373	(d)	BBU Calendar, Beef Connection Bill and Norman Bowley Credit Card Record	Post-Hearing; Agreed to by Parties	Admitted.
375		Emeril's Receipt	Evidentiary Hearing	Admitted.
376		Porteous Credit Card Statements May 1999	Post-Hearing; Admission Disputed by Parties	Admitted.
377		Caesar's Palace Records (Creely's credit card charges for Porteous's Room)	Post-Hearing; Admission Disputed by Parties	Admitted.
378		Creely's Credit Card Charges May 1999	Post-Hearing; Admission Disputed by Parties	Admitted.
381		Porteous Fidelity Records re: IRA	Post-Hearing; Admission Disputed by Parties	Admitted.
382		Records related to \$1,000 Beau Rivage Payment	Post-Hearing; Admission Disputed by Parties	Admitted.
383		Additional Porteous IRA Records	Post-Hearing; Admission Disputed by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
439	(a)	Senate Judiciary File: Letter from William E. Willis, Chair of the American Bar Association Standing Committee on Federal Judiciary, to Senator Biden Re: Judge Porteous's qualifications for appointment to the federal bench	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(b)	Senate Judiciary File: Judge G. Thomas Porteous, Jr. – Biography	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(c)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Blue Slips from Senator Breaux and Senator Johnston	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(d)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Dates of Materials Received	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(e)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – Nomination Hearing Transcript	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(f)	Senate Judiciary File: White House Nomination of Judge G. Thomas Porteous Jr. to be a United States District Judge for the Eastern District of Louisiana	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(g)	Senate Judiciary File: Porteous Questionnaire	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
439	(h)	Senate Judiciary File: Porteous Questionnaire and Financial Disclosure Form	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(i)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court cases	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(j)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – state court opinions	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(k)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – reversals of state court opinions	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(l)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – additional decisions requested	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(m)	Senate Judiciary File: Judge G. Thomas Porteous Jr. – news articles	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(n)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
439	(o)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. to Senator Biden Re: Senate Questionnaire supplemental materials	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(p)	Senate Judiciary File: Letter from G. Thomas Porteous, Jr. Staff Memorandum (Committee Confidential)	Post-Hearing; Agreed to by Parties	Admitted, but will only be made available to the full Senate.
439	(q)	Senate Judiciary File: confidential notes taken from FBI file of G. Thomas Porteous, Jr.	Post-Hearing; Admission Disputed by Parties	Admitted, but will only be made available to the full Senate.
440	(a): pages 19-57	House Task Force Hearing (Part I) November 17–18, 2009	Post-Hearing; Admission Disputed by Parties	Admitted.
440	(b): pages 98-137	House Task Force Hearing (Part I) November 17–18, 2009	Post-Hearing; Admission Disputed by Parties	Admitted.
440	(c): pages 139-180	House Task Force Hearing (Part I) November 17–18, 2009	Post-Hearing; Admission Disputed by Parties	Admitted.
441	(a): pages 8-40 (omitting exhibits on pages 10, 11, 12, 39, and 40)	House Task Force Hearing (Part II) December 8, 2009	Post-Hearing; Admission Disputed by Parties	Admitted.
441	(b): pages 41-66	House Task Force Hearing (Part II) December 8, 2009	Post-Hearing; Admission Disputed by Parties	Admitted.
441	(c): pages 66-82	House Task Force Hearing (Part II) December 8, 2009	Post-Hearing; Admission Disputed by Parties	Admitted.
442	pages 41-79	House Task Force Hearing (Part III) December 10, 2009	Post-Hearing; Admission Disputed by Parties	Admitted.
445		Senate Deposition of Robert Creely	Post-Hearing; Agreed to by Parties	Admitted.
446		Senate Deposition of Jacob Amato	Evidentiary Hearing	Admitted.
447		Louis Marcotte Deposition	Evidentiary Hearing	Admitted.
448		Lori Marcotte Deposition	Evidentiary Hearing	Admitted.
451		Porteous Bank One Records Aug. – Sept. 2001; Aug. –Sept. 2002; Aug. – Sept. 2003	Post-Hearing; Admission Disputed by Parties	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
452	(a)	Porteous Bank One Records May – July 2002	Post-Hearing; Admission Disputed by Parties	Admitted.
452	(b)	Porteous Fidelity Records May – July 2002	Post-Hearing; Admission Disputed by Parties	Admitted.
453		Porteous Fidelity Records July – August 2002 (\$1,300 check to Grand Casino Gulfport)	Post-Hearing; Admission Disputed by Parties	Admitted.
529		Pre-Bankruptcy Fidelity Checks to Casinos	Post-Hearing; Admission Disputed by Parties	Admitted.
530		Post-Bankruptcy Fidelity Checks to Casinos	Post-Hearing; Admission Disputed by Parties	Admitted.
1001	(a-y)	Legal Codes	Evidentiary Hearing	Admitted.
1002	(j)	Rules of Prof. Conduct	Evidentiary Hearing	Admitted.
1002	(y)	Rules of Prof. Conduct	Evidentiary Hearing	Admitted.
1003		Porteous Tolling Agreement #1	Evidentiary Hearing	Admitted.
1004		Porteous Tolling Agreement #2	Evidentiary Hearing	Admitted.
1005		Porteous Tolling Agreement #3	Evidentiary Hearing	Admitted.
1007		List of 24 th JDC Judges	Post-Hearing; Agreed to by Parties	Admitted.
1008		Beef Connection Menu	Evidentiary Hearing	Admitted.
1061		Mackenzie CV	Evidentiary Hearing	Admitted.
1064		Newspaper Bankruptcy Announcements	Evidentiary Hearing	Admitted.
1067		Pardo Law Review Article	Evidentiary Hearing	Admitted.
1068		Porter Law Review Article	Evidentiary Hearing	Admitted.
1070		Rhodes Law Review Article	Evidentiary Hearing	Admitted.
1097		Pardo CV	Evidentiary Hearing	Admitted.
1098		Barliant Bio	Evidentiary Hearing	Admitted.
1100	(b)	Porteous Bankruptcy Petition	Evidentiary Hearing	Admitted.
1100	(c)	Porteous Bankruptcy Amended Petition	Evidentiary Hearing	Admitted.
1100	(d)	Porteous Proposed Schedule Plan	Evidentiary Hearing	Admitted.
1100	(g)	Trustee's Objection	Evidentiary Hearing	Admitted.
1100	(h)	Amended Schedule J	Evidentiary Hearing	Admitted.
1100	(i)	Amended Chapter 13 Plan	Evidentiary Hearing	Admitted.
1100	(o)	Chapter 13 Plan Summary	Evidentiary Hearing	Admitted.
1100	(z)	Trustee's Final Report and Account	Evidentiary Hearing	Admitted.
1104		Good Faith: A Roundtable Discussion, 1 Am. Bankr. Inst. L. Rev. 11 (1993).	Post-Hearing; Agreed to by Parties	Admitted.
1108		Letter from Beaulieu Staff Attorney	Evidentiary Hearing	Admitted.

Exhibit #	Subpart	Description	When Moved Into Evidence	Status
1109		DOJ to Beaulieu	Evidentiary Hearing	Admitted.
1111	(a-l)	Judicial Ethics Opinions	Evidentiary Hearing	The Committee has taken notice.
1112		Hamilton Jail Overcrowding Order	Evidentiary Hearing	Admitted.
1113		Jefferson Parish Criminal Justice System Report	Evidentiary Hearing	Admitted.
1115-1130		Various Articles on Presidential Nominees	Evidentiary Hearing	Admitted.
1134		Bail Law Review Article	Evidentiary Hearing	Admitted.
2001		CD of 1986 Bail Bonds	Evidentiary Hearing	Admitted.
2002		Bond subset (Sept. 1986)	Evidentiary Hearing	Admitted.
2003		Bond subset (Feb. 1986)	Evidentiary Hearing	Admitted.
2004		Bond subset (Dec. 1986)	Evidentiary Hearing	Admitted.
2005		DOJ Letter (Sept. 12, 2010)	Evidentiary Hearing	Admitted.
2006		Duhon record	Evidentiary Hearing	Admitted.
2007		Guidry 302	Post-Hearing; Agreed to by Parties	Admitted.